

Standing Committee on Copyright and Related Rights

Twentieth Session
Geneva, June 21 to 24, 2010

Report

prepared by the Secretariat

1. The Standing Committee on Copyright and Related Rights (hereinafter referred to as the “Standing Committee,” the “Committee” or the “SCCR”) held its twentieth session in Geneva, from June 21 to 24, 2010.
2. The following Member States of the World Intellectual Property Organization (WIPO) and/or members of the Berne Union for the Protection of Literary and Artistic Works were represented in the meeting: Afghanistan, Algeria, Angola, Argentina, Australia, Austria, Bangladesh, Barbados, Belarus, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Burundi, Cameroon, Canada, Chile, China, Colombia, Cote d’Ivoire, Croatia, Cuba, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Haiti, Holy See, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Lebanon, Lithuania, Luxembourg, Madagascar, Malaysia, Mauritius, Mexico, Morocco, Myanmar, Nepal, Netherlands, New Zealand, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Senegal, Serbia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Syrian Arab Republic, Thailand, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, United States of America, Uruguay, Venezuela, Zambia, Zimbabwe (101).
3. The European Union (EU) participated in the meeting in a member capacity.
4. The following intergovernmental organizations took part in the meeting in an observer capacity: African Union, Arab Broadcasting Union (ASBU), Council of Europe (CE), International Labour Organisation (ILO), South Centre, United Nations Educational, Scientific and Cultural Organization (UNESCO) and World Trade Organization (WTO) (7).
5. The following non-governmental organizations took part in the meeting as observers: Actors, Interpreting Artists Committee (CSAI), African Union of Broadcasters (AUB), African Union of the Blind (AFUB), *Agence pour la protection des programmes (APP)*, American Council of the Blind (ACB), American Intellectual Property Law Association (AIPLA), Asia-Pacific Broadcasting Union (ABU), *Asociación Nacional de Intérpretes (ANDI)*, Association IQSensato (IQSensato), Association of American Publishers (AAP), Association of Commercial Television in Europe (ACT), Benetech, British Copyright Council (BCC), Central and Eastern European Copyright Alliance (CEECA), Centre for Performers’ Rights Administration (CPRA) of GEIDANKYO, Civil Society Coalition (CSC), *Comité national pour la promotion sociale des aveugles et ambyopes (CNPSAA)*, Computer and Communications Industry Association (CCIA), Copyright Research Information Center (CRIC), *Corporación Innovarte*, *Discapitados Visuales IAP*, Electronic Frontier Foundation (EFF), Electronic Information for Libraries (eIFL.net), European Blind Union (EBU), European Broadcasting Union (EBU), European Federation of Joint Management Societies of Producers for Private Audiovisual Copying (EUROCOPYA), European Law Students’ Association (ELSA International), Federation of European Audiovisual Directors (FERA), *Fundação Getulio Vargas (FGV)*, German Association for the Protection of Industrial Property and Copyright Law (GRUR), GIART International Organization of Performing Artists, Ibero-Latin-American Federation of Performers (FILAIE), Inclusive Planet Foundation (INCP), International Association of Broadcasting (IAB), International Bar Association (IBA), International Center for Trade and Sustainable Development (ICTSD), International Chamber of Commerce (ICC), International Confederation of Music Publishers (ICMP), International Federation of Actors (FIA), International Federation of Associations of Film Distributors (FIAD), International Federation of Film Producers Associations (FIAPF), International Federation of Journalists (IFJ), International Federation of Library Associations and Institutions

(IFLA), International Federation of Musicians (FIM), International Federation of Reproduction Rights Organizations (IFRRO), International Federation of the Phonographic Industry (IFPI), International Group of Scientific, Technical and Medical Publishers (STM), International Hotel & Restaurant Association, International Literary and Artistic Association (ALAI), International Music Managers Forum (IMMF), International Publishers Association (IPA), International Video Federation (IVF), Kenya Union of the Blind (KUB), Knowledge Ecology International, Inc. (KEI), Library Copyright Alliance (LCA), National Association of Commercial Broadcasters in Japan (NAB-Japan), National Federation of the Blind (NFB), National Organization of Spanish Blind Persons (ONCE), Nigeria Association of the Blind (NAB), North American Broadcasters Association (NABA), *Organização Nacional de Cegos do Brasil* (ONCB), *Organización de Asociaciones y Empresas de Telecomunicaciones para América Latina* (TEPAL), Perkins School for the Blind (PSB), Public Knowledge, Royal National Institute of Blind People (RNIB), *Sociedade Portuguesa de Autores* (SPAutores), South Africa National Council for the Blind (SANCB), The Internet Society (ISOC), Third World Network (TWN), Transatlantic Consumer Dialogue (TACD), *Unión Latinoamericana de Ciegos* (ULAC), Union Network International - Media and Entertainment International (UNI-MEI), Vision Australia, World Blind Union (WBU) (74).

ELECTION OF THE CHAIR AND VICE-CHAIRS

6. The Director General of WIPO welcomed delegates to the 20th session of the Standing Committee on Copyright and Related Rights. On the substance of the meeting, he reminded delegates that there were three main issues on the agenda of the SCCR, the first of which was the protection of audiovisual performances which was at a crucial stage. The conclusions of the 19th session of the Standing Committee called for the meeting of the 20th session to consider the next steps and to evaluate if there was a consensus on a possible recommendation to the General Assembly of WIPO to convene a diplomatic conference with a view to conclude a WIPO treaty for the protection of audiovisual performances. The Secretariat had held open-ended informal consultations on May 28, 2010 and those consultations revealed, regrettably, that the pace of progress was rather slow. However, there was a clear commitment expressed by the Member States to streamline the process during the Standing Committee by establishing concrete deadlines for tabling proposals. The second major item on the agenda was the protection of broadcasting organizations, which had remained as a longstanding item. The Secretariat had presented two parts of a major study which had been requested at the 18th session of the SCCR on the socioeconomic dimension of the unauthorized use of signals, including the lack of access and the effective protection for broadcasters. He expressed the hope that, in view of the current broadcast media developments with the World Cup taking place in South Africa, delegates would see a very timely opportunity for the Committee to revisit the issue. A series of regional seminars on the issue were being organized, the first of which had been held in Mexico City on May 31 and June 1, 2010. The third main major area was the question of limitations and exceptions, in regard to which open-ended informal consultations had taken place on May 26 and 27, 2010. There were two complementary items under the auspices of the Standing Committee. One was the Stakeholders' Platform, which had been making very significant progress. A third interim report on the Stakeholders' Platform had been placed before the Committee, as well as other documents prepared by the Secretariat, namely an example of practices and other measures at the national level for the benefit of persons with print disabilities, supplementary information on studies on exceptions and limitations on educational activities provided by Member States, and a second analytical document on exceptions and limitations, which was a summary of the nine studies that had been commissioned by WIPO between the years 2003 and 2009. In addition, a number of

documents and proposals had been put forward by Member States: first was a proposal from Brazil, Ecuador, Mexico and Paraguay for a timetable adoption of a WIPO treaty for an improved access for blind, visually impaired and other reading disabled persons. A second proposal had come from the United States of America entitled "draft consensus instrument." A third proposal had been put forward by the African Group on a WIPO treaty on exceptions and limitations for persons with disabilities, educational and research institutions, libraries and archives. Finally, a proposal from the European Union on a draft joint recommendation concerning improved access to works protected by copyright for persons with print disabilities had been also tabled. These proposals were a significant sign of Member States' engagement in constructive consultation and negotiations on the issue.

7. The Director General informed the Committee that, for the first time at WIPO, Communication Access Realtime Translation (CART), a form of stenography, was being used to give members the text of interventions almost simultaneously. CART was designed in particular for the hearing impaired and those for whom English was a second language, as it would enable them to follow proceedings. It would only be available to the delegations who were accredited, namely, Member States and accredited observers. He added that a major issue to be considered was whether the proceedings of the meeting and other future meetings should be made available beyond those who were immediately present in the meeting room.
8. The Director General invited delegates to make proposals for the election of a Chair and two Vice Chairs.
9. The Delegation of Thailand, on behalf of the Asian Group, proposed Mr. Jukka Liedes from Finland as Chair of the Committee, and Mr. Abdellah Ouadrhiri from Morocco and Mrs. Graciela Peiretti from Argentina as Vice-Chairs.
10. The Delegation of Slovenia, on behalf of the Group of Central European and Baltic States, supported the proposals made by Thailand.
11. The Delegation of Angola, on behalf of the African Group, also supported the proposal made by Thailand.
12. The Director General announced that Mr. Jukka Liedes from Finland had been elected as the Chair by consensus, and Mr. Abdellah Ouadrhiri from Morocco and Mrs. Graciela Peiretti from Argentina as Vice-Chairs. He invited the Chair to preside over the meeting.

ADOPTION OF THE AGENDA OF THE TWENTIETH SESSION

13. The Chair thanked delegates for their election and expressed the hope that the Committee would achieve substantive progress in a foreseeable timeframe. He opened the session and announced the draft agenda for the 20th session of the Committee.
14. The Committee adopted the draft agenda of the meeting.
15. In relation to the accreditation of new non-government organizations, the Chair indicated that requests had been introduced by American Council of the Blind (ACB), Association of American Publishers, Inc. (AAP), *Contacto Braille A.C.* (CBR), the Daisy Consortium (DAISY), European Blind Union (EBU), Inclusive Planet Foundation (INCP), The Internet Society (ISOC), Kenya Union for the Blind (KUB), National Federation of the Blind (NFB),

Nigeria Association of the Blind (NAB), Norwegian Association of the Blind and Partially Sighted (NABP), *Organismo Mexicano Promotor del Desarrollo Integral de los Discapacitados Visuales*, IAP (Discapacitados Visuales IAP), *Organización de Asociaciones y Empresas de Telecomunicaciones para América Latina* (TEPAL), Perkins School for the Blind (PSB), Recording for the Blind & Dyslexic (RFB&D), TransAtlantic Consumer Dialogue (TACD) and Xavier's Resource Centre for the Visually Challenged (XRCVC). The Committee approved the accreditation of the above non-governmental organizations.

ADOPTION OF THE REPORT OF THE NINETEENTH SESSION OF THE STANDING COMMITTEE ON COPYRIGHT AND RELATED RIGHTS

16. The Committee approved the report of the 19th session of the SCCR. Technical corrections and amendment proposals to the draft report could be considered by the Secretariat until June 24, 2010.

General Statements

17. The Delegation of Thailand, speaking on behalf of the Asian Group, hoped that some agreement would be reached on the important issues before the Committee during its 20th session, which were in the interests of both developed and developing countries. It noted that little progress had been made in recent years. With respect to the protection of broadcasting organizations, it welcomed the study on a global overview of unauthorized access to broadcast content as a very informative document. While it was necessary to update the protection of broadcasting organizations, additional protection for broadcasters should be granted without prejudice to the public interest, especially access to information already in the public domain. It invited the Secretariat to take into account that element in the next study. It pledged the Asian Group's commitment to move forward on the issue within the mandate given by the General Assembly in 2006 to develop a treaty that would protect broadcasting and cablecasting organizations in the traditional sense. On the protection of audiovisual performances, it urged the Committee to continue its work on the proposed treaty and thanked all those who had participated in the open-ended consultation in May, which had been an opportunity to exchange views on the different positions. The Asian Group attached great importance to ensuring a balance between the interests of rightholders and the larger public interest, and exceptions and limitations to copyrights were crucial in that regard. On greater access to copyright protected works by the visually impaired and other print disabled persons, it appreciated the work being done in the WIPO Stakeholders' Platform as well as its third interim report. It was important that norm-setting activities in WIPO should not be seen as limited to protection of intellectual property rights, but rather should reflect a broader social and development context. The Group concluded that if WIPO was to remain a principal international body responsible for IP, its norm setting activities should reflect the broader context of current intellectual property debates and, if possible, try to address some ramifications of intellectual property which had spilled over into other sectors especially those concerning the common good. It was important to have a framework for safeguarding the public interest, which was being dealt with as exceptions and limitations clauses, since such a framework did not currently exist. It welcomed the treaty proposal put forward by Brazil, Ecuador, Paraguay and Mexico, as well as other proposals, and hoped the Committee could reach agreement on them to alleviate the book famine situation for persons with print disabilities.

18. The Delegation of Switzerland, speaking on behalf of Group B, commended the preparatory work towards the organization of the meeting with particular reference to the good quality of working documents, as well as the consultation, seminars and briefing sessions which had led up to the session. On the protection of audiovisual performances, it supported the conclusion of a draft treaty on the protection of audiovisual performances to contribute to cultural and economic development, as well as the promotion of cultural diversity of nations. It urged the Committee to maintain the existing momentum and take into account the results of the recent consultation. Regarding the protection of broadcasting organizations, the second part of the study on the socioeconomic dimension of the unauthorized use of signals showed the need for a treaty that addressed present and emerging technological issues in the near future. On the issue of exceptions and limitations, it recognized the special needs of persons with print disabilities and expressed the need to find timely and practical solutions. Towards that objective, it noted with interest the two new proposals put forward by the United States and the European Union and its 27 Member States. It pledged its support to the ongoing work of the Stakeholders' Platform with particular and the third interim report. It looked forward to learning of the results of the next meeting of the Stakeholders' Platform during the 21st SCCR session. Finally, on exceptions and limitations, it acknowledged with interest the submission made by the African Group and pledged its openness to further discussions in the field based on the extensive research and studies already at the disposal of the Committee, such as the report on the questionnaire on limitations and exceptions.
19. The Delegation of El Salvador, speaking on behalf of GRULAC, said that the document on practices, activities and national solutions to assist people with visual disabilities demonstrated a whole spectrum of options which could provide solutions to the problem faced by that group of persons with disabilities. It supported a WIPO treaty for improved access for the blind, visually impaired and people with reading disabilities. To demonstrate the Group's commitment, Brazil, Ecuador, Paraguay and Mexico had put forward a proposal for a treaty which included the text prepared by the World Blind Union. It supported a timetable to advance the work to guarantee, with certainty, global access to protected works for disabled people. On the protection of audiovisual performances, it welcomed the open-ended consultations which had provided the opportunity to exchange concerns and to get a better understanding on the positions of Member States on this matter. It invited the Secretariat to conduct a diagnosis of the situation of the draft treaty so that Member States could come to a consensual decision on the way forward. Regarding the protection of broadcasting organizations, it referred to the regional seminar for Latin America and the Caribbean, held in Mexico from May 31 to June 1, 2010, and the report presented to the Secretariat which could lead to a substantive discussion on a draft WIPO treaty for the protection of broadcasting organizations.
20. The Delegation of Slovenia, on behalf of the Group of Central European and Baltic State, reiterated the importance to upgrade, at the international level, the legal protection of broadcasting organizations. It emphasized the need for a solution to the current impasse. It pledged its commitment to the ongoing work on the protection of audiovisual performances, which it believed would result in a comparable level of protection at the international level. On exceptions and limitations, it acknowledged the work that had been done lately on improvement of access to copyright protected works by persons with print disabilities. It welcomed the proposals that had been submitted so far and expressed confidence that a balanced and sufficient solution could be found.
21. The Delegation of Angola, speaking on behalf of the African Group, stated that the issue on limitations and exceptions was critical for Africa. Access to information and communication for people with disabilities and other persons in the educational, political,

economic, cultural and social arenas was important for development. In that direction, the Group had submitted a broad draft treaty proposal, based on the proposal of Brazil, Paraguay, Ecuador and Mexico. Regarding the protection of broadcasting organizations, the African Group reiterated its commitment to develop measures to prevent the unauthorized use of signals in the broadcasting sector, as mandated in the 42nd session of the General Assembly. It also commended the WIPO Secretariat on the studies of the socioeconomic use of signals in the broadcasting sector and promised the African Group's comments on the studies. On the protection of audiovisual performances, the Group called for efforts to resolve the differences in a norm-setting process which would eventually pave the way for conclusion of a diplomatic conference.

22. The Delegation of Kyrgyzstan, on behalf of the Group of Central Asian, Caucasus and Eastern European Countries, expressed the hope that the Committee would make consistent progress towards its goals and achieve tangible concrete results. It recognized the need to produce all documents in all official languages, including Russian, as well ahead of time before the meetings as possible, so that experts and specialists could benefit from the analysis carried out and the studies prepared.
23. The Delegation of Argentina reiterated its support for the proposal to open negotiations on a draft WIPO treaty on access for those with visual and print disabilities, on the basis of the text contained in document SCCR/18/5. It was in favor of a binding international instrument to guarantee a substantive solution to the problem of access for persons with reading disabilities. In that regard, it welcomed the timetable for the adoption of a WIPO treaty proposed by the delegations of Brazil, Ecuador, Mexico and Paraguay, as contained in document SCCR/20/9. It called for the elimination of legal obstacles to exchange of books which could be made accessible through different organizations in different countries. It recognized the urgency of ensuring effective protection of the human rights to education, information and knowledge.
24. The Delegation of Chile expressed its appreciation for the informal consultations and meetings on exceptions and limitations, protection of audiovisual performances and broadcasting organizations, which had been held in May and June 2010. It re-emphasized the importance of the work of the SCCR, specifically with regard to exceptions and limitations on copyright. Chile had submitted two proposals in documents SCCR/13/5 and SCCR/16/2 and hoped the agenda could be moved forward to achieve the Committee's goals on a draft international instrument.
25. The Delegation of Australia was strongly committed to developing solutions to remove the obstacles to accessing copyright materials. Australia had put in place a system of statutory licenses which permitted the reproduction and communication of copyrighted materials by institutions, in order to assist people with a print disability. It also acknowledged the number of constructive proposals that had been put forward. The consensus instrument presented by the Delegation of the United States of America was a constructive first step that would achieve early practical benefits for print disabled people. It pledged its openness to advance discussions on other exceptions and limitations in the areas of education and libraries and archives, and welcomed the African Group contribution on those issues. On the issue of the protection of audiovisual performance, it would continue to support conclusion of a draft treaty. With respect to the 19 articles that had already been agreed upon, the Delegation indicated that it would not support the reopening of the discussions on their text. Rather, it suggested that Members of the Committee present additional proposals, as soon as possible, in order to maintain the existing momentum for conclusion of the treaty. Finally, regarding the protection of broadcasting organizations, Australia was convinced that an international instrument was

needed to address present and emerging technological issues and urged the Committee to show the flexibility needed to resolve the divergent views.

26. The Delegation of Egypt supported the statement of the Delegation of Angola, on behalf of the African Group, and the proposal in document SCCR/20/11, a draft agreement on limitations and exceptions. It urged the SCCR to make progress within a global context, including many developmental issues in all countries of the world, and not only on guaranteeing access to print disabled persons. It expressed the hope that all WIPO documentation would be made available in all official languages, including Arabic.
27. The Delegation of the Republic of Korea highlighted the need for an adoption of a treaty to protect audiovisual performances. It reiterated its commitment to engage constructively in the SCCR discussions.
28. The Delegation of Spain, speaking on behalf of the European Union and its Member States, reiterated the importance of the legal protection of broadcasting organizations that needed to be updated at international level. The European Union wanted to contribute to progress on the issue of protection of the audiovisual performances to ensure that both audiovisual and aural performers achieve the same protection at the international level. The efforts made on the issue of the improvement of access to copyright protected works by persons with a print disability had resulted in a document (SCCR/20/12) that would contribute to the task of finding the best possible solution for all. The European Union was committed to participate in a constructive way in the discussions on the different issues on the agenda.
29. The Delegation of the Islamic Republic of Iran associated itself with the statements of the Delegation of Thailand on behalf of the Asian Group. It welcomed the study on global unauthorized access to broadcast content and invited the Secretariat to evaluate the impact of protection and access to information, especially information in the public domain, in the next study. The Delegation was ready to continue the discussion on protection of broadcasting organizations with the hope of finding agreement on the specific scope and objective of the treaty. It appreciated the holding of informal discussions on the protection of audiovisual performances, and on limitations and exceptions taking into account the different national approaches. There was sufficient ground to move towards harmonization of international standards. The Committee should start a negotiation on a framework for limitations and exceptions to copyrighted materials in all areas. In that regard, the proposal of the African Group provided a holistic approach to all the issues on limitations and exceptions. The draft treaty proposed by Brazil, Paraguay, Ecuador and Mexico was a good way to move forward to a legally binding framework.
30. The Delegation of Venezuela associated itself with the statement made by the Delegation of El Salvador on behalf of GRULAC, and supported moving forward on all of the agenda items under discussion. It was vital to guarantee access to protected works for people with print disabilities. This was a longstanding issue that was tied to human rights of access to education and culture. It supported the proposal made by Brazil, Ecuador, Paraguay and Mexico promoting the adoption of a WIPO treaty for the blind, the visually impaired and the print disabled. The Delegation supported the proposal for a timetable presented by Brazil, Ecuador, Mexico and Paraguay during the informal consultations held in May 2010, and stated that its Delegation had disagreed with changing the order in the agenda regarding item 7. It wished to ensure sufficient time for the issue of limitations and exceptions so as to come promptly to an agreement.

31. The Delegation of the United States welcomed the second part of the study on unauthorized use of signals which contributed to a better understanding on that issue. It recognized the need to update the international legal norms in that area. As to the issue of audiovisual performances, Member States had had very productive discussions at the informal consultations held in May 2010. The 19 articles completed during the 2000 Diplomatic Conference could serve as the established basis to conclude a treaty. A positive resolution was needed to the remaining outstanding elements, namely the recognition of the different ways that national laws allowed the consolidation of economic rights with audiovisual producers. There were four proposals for an enabling legal framework to address the needs for persons with print disabilities. One of the four proposals was a consensus instrument submitted by that Delegation, which could become a joint recommendation of the WIPO General Assemblies. As such, the instrument would be a joint understanding on the Berne Convention standards. A background paper with frequently asked questions on that consensus instrument would be released shortly. The Delegation would be listening carefully to the presentations of other Member States, particularly the new proposals submitted recently. It acknowledged the broader vision of exceptions and limitations presented by the African Group.
32. The Delegation of Japan considered that the three outstanding issues in the SCCR agenda were of great importance. The Delegation reiterated its strong commitment to contribute to the discussion on the protection of broadcasting organizations, to come to an agreement on the pending issues. It hoped that the Secretariat and each Member State would further strengthen their efforts toward an early conclusion of the treaty. It appreciated the consultations held in May 2010 on the protection of audiovisual performances, which had been a positive step for moving forward. It also appreciated the efforts made by Member States to provide concrete proposals for improvement of access to knowledge for persons with print disabilities.
33. The Delegation of Mexico expressed its support for adoption of a treaty for the protection of the rights of broadcasting organizations. It was necessary and urgent to establish effective protection at the international level, to fight the piracy and the unauthorized use of signals. It also expressed its support for the protection of audiovisual performances. The Delegation referred to the proposed treaty sponsored by Brazil, Paraguay, Mexico and Ecuador and reiterated its support for the statement of the Delegation of El Salvador on behalf of GRULAC. It expressed its appreciation for the seminar on protection of broadcasting organizations organized in Mexico on May 30 and June 1, 2010.
34. The Delegation of South Africa aligned itself with the statement made by the African Group and remained supportive of work towards the treaty on audiovisual performances. It remained open to continue the discussions on the protection of broadcasting organizations, and expressed the need to examine not only signal piracy but also its socioeconomic dimension which was a critical factor in developing countries. Discussions on limitations and exceptions should be prioritized. Further work should include minimum standards for those exceptions applied in education, research, libraries and archives activities. Access to copyrighted works was crucial in that area, as well as for persons with disabilities. The time had come to undertake a norm-setting exercise on limitations and exceptions, guided by the WIPO Development Agenda. It supported the proposal of the African Group, which was a good basis to initiate negotiations on exceptions and limitations.
35. The Delegation of Pakistan stressed the importance of the work of the Committee on limitations and exceptions. It underlined that social, economic and political conditions in developing countries including low access to information, literacy rates and the lack of

infrastructure, should be kept in mind when incorporating limitations and exceptions into the national or international legal system. Exceptions and limitations to copyright were crucial in that regard. A genuine desire to make progress on that issue was needed to reach any conclusion. A holistic approach could go a long way towards providing improved access to the underprivileged. While it was necessary to update the protection of broadcasting organizations, additional protection should be granted without prejudice to the public interest, especially regarding access to information already in the public domain. The Delegation appreciated the open-ended consultations held in May 2010.

36. The Delegation of Kenya supported the proposal for a WIPO treaty on exceptions and limitations proposed by the African Group. Less than one percent of all published works in Kenya were accessible to the visually impaired and other print disabled. It hoped that a solution on the protection of audiovisual performances would lead to the convening of a diplomatic conference.
37. The Delegation of Ghana appreciated the organization of open-ended consultations on protection of audiovisual performances and on exceptions and limitations. It endorsed the general statement made by the Delegation of Angola on behalf of the African Group. It hoped that the Committee would make very soon the convening of a diplomatic conference to consider the protection of broadcasting organizations. Those matters were crucial to Ghana, bearing in mind the rapid growth of its audiovisual and broadcasting industries.
38. The Delegation of Brazil, on behalf of Ecuador, Paraguay, Mexico and itself as sponsors of the proposal for a WIPO treaty for improved access for blind, visually impaired and other reading disabled persons, stressed that the text of that treaty had been originally prepared by the World Blind Union and had been formally presented at the 18th session of the Standing Committee. During its 19th session, the sponsors had presented a background paper to provide additional information on the overall goals and on selected technical aspects of the proposed treaty. During the informal consultations in May 2010, a timetable had been presented, according to which negotiations on the treaty should be completed by the 2011 session of the General Assemblies, to convene a diplomatic conference for the adoption of the treaty in the spring of 2012. The Delegation underlined that the proposal for a treaty had a humanitarian dimension. In the knowledge economy, impairment of vision was more than ever a barrier to the fulfillment of human potential. Whatever was agreed upon, it would only help diminish the gap between people with print disabilities and sighted people. The draft treaty proposed was not short of ambition, as it would play an important role in supporting the visually impaired to achieve information and education. WIPO had to play its part in the international system for the protection and promotion of human rights. It indicated that the initiative would also be consistent with the United Nations Convention on the Rights of Persons with Disabilities. The Delegation noted that the draft consensus instrument presented by the Delegation of the United States of America was narrower in scope than the treaty sponsored by the four countries. It was a recommendation, not a legally binding instrument. The same comments applied to the proposal made by the European Union. The proposal made by the African Group was far wider in scope, as it covered disabled persons as well as education, libraries and public archives. The Delegation welcomed that proposal and was convinced that the elements contained in it deserved consideration and appropriate action.
39. The Delegation of India stated that, as regards the protection of broadcasting organizations, the studies indicated that the major problem in the developing and least-developed countries was the unauthorized use of broadcast signals using analog networks, particularly cable networks. There was a need for an international obligation

following the signal-based approach to prevent unauthorized use of signals in the traditional broadcasting sector. It expected that discussions on protection of audiovisual performances would lead to a meaningful and fruitful solution on the issue of transfer of rights. It noted that a regional seminar on the protection of broadcasting organizations would take place in New Delhi in July 2010. The Delegation stressed that the nature of exceptions and limitations in national law for the purpose of the use of copyrighted material for education was very important for access to knowledge and education. Informal discussions with various stakeholders in India had taken place in June 2010 to consider the views on exceptions and limitations for the use of works in education, library, archive, including the use of works for physically challenged. India reiterated its support for the proposal of Brazil, Ecuador, Mexico and Paraguay and would respond positively to any new treaty proposal on exceptions and limitations to harmonize national and international norms.

40. The Delegation of Ecuador echoed the statements of the Delegation of El Salvador on behalf of GRULAC and supported the proposal for a WIPO treaty with regard to the blind, the visually impaired and the reading disabled. It stressed the need to find an appropriate and rapid solution to assist all the people having difficulties in reading works. It recalled that it was not a new issue for WIPO, as in 1985 that issue had been discussed by WIPO and Unesco. The text prepared by the WBU, and co-sponsored by Brazil, Ecuador, Mexico and Paraguay, had been on the table for a year and a half. The Delegation highlighted its satisfaction in seeing the increasing number of non-governmental organizations accredited as observers in the SCCR.
41. The Delegation of Nigeria supported the statement of the Delegation of Angola on behalf of the African Group, and aligned itself with the proposal contained in document SCCR/20/11 on a draft treaty on limitations and exceptions. The Delegation saw that document as a basis for discussions on those issues and urged a pragmatic way forward leading to the adoption of a treaty. It also recognized the socioeconomic importance of the broadcasting industry and the growing phenomena of unauthorized use of signal and access to broadcast content. It supported the adoption of a treaty on the protection of broadcasting organizations.
42. The Delegation of Haiti expressed its support for the statement of the African Group and believed that the adoption of a treaty on limitations and exceptions for disabled persons, research, educational institutions, archives and libraries would be a positive step. A treaty was an appropriate instrument since Member States would have to include it in their national legislation. That would lead to harmonization of national legislation on limitations and exceptions and would lift the trade barriers.
43. The Delegation of Guatemala supported the statement of the Delegation of El Salvador on behalf of GRULAC. Limitations and exceptions in favor of the visually impaired and reading disabled were of extreme importance for its region. It was very pleased to see the proposal put forward by the four countries for a timetable aimed at finding a global solution to provide access to the disabled. The World Blind Union had expressed the legitimate need and desire to fully benefit from access to cultural expressions. To solve the problem of the book famine, a binding solution at an international level was needed. The Delegation appreciated the proposals presented by the European Union, the African Group and the United States of America and reaffirmed its commitment to work constructively in order to achieve results with regard to the protection of audiovisual performances and the broadcasting organizations.

Protection of Broadcasting Organizations

44. The Chair opened discussion on the first substantive item of the agenda, namely the protection of broadcasting organizations. A number of activities had been undertaken over the previous months, including the commissioning of studies. The second part of the Screen Digest study had been published and would be presented by its author expert. Consultations and regional seminars were also taking place. The first one had taken place in Mexico. He invited the Delegation of Mexico to present a report of that Seminar.

45. The Delegation of Mexico reported on the Regional Seminar for Countries of Latin America and the Caribbean, which had taken place in Mexico City on May 30 and June 1, 2010. The Seminar had been organized by the National Copyright Institute (INDAUTOR) in cooperation with WIPO. The holding of the Seminar had been based on the decision made by the SCCR, at its 19th session, to organize regional seminars at the request of Member States in order to ascertain views on the object, objectives and scope of protection of the draft treaty. The seminar in Mexico was a two-stage format. The first part consisted of 11 presentations made by national and international experts on various themes. The experts agreed that the main problem that broadcasting organizations faced was signal piracy, a challenge that could be overcome by adopting a treaty on the protection of the rights of broadcasting organizations which was acceptable to all parties. The second part of the Seminar aimed at fulfilling the mandate given by the SCCR to ascertain views on the objectives, specific scope and object of protection of a possible draft treaty following a signal-based approach. Four experts had provided assistance during the discussions. The Chair of the Seminar had based the discussions on document SCCR/17/1 which had been prepared by the Chair for the 17th session of the SCCR. The importance of the economic investment by broadcasting organizations in the creation of their broadcasts and the concerns over signal theft had emerged from the discussions. With regard to the specific scope, the participants had identified the need to define coverage of the treaty, as well as the type of protection for broadcasting organizations through rights independent of copyright and other related rights. With regard to the object of protection, participants had stressed that it was important to determine what could be considered as a broadcast or signal, including cablecast, for which a neutral definition had to be based on technological advances. All the different rights that could be granted to broadcasting organizations had been analyzed in line with technological developments, taking into account the fact that exclusive rights, as set out in the Rome Convention of 1961 and the Brussels Convention of 1974, had to be adapted to technological advances. It was noted that there was a need to identify technological advances in order to adopt a broad regional position on the impact on broadcasting organizations. There was also a need to increase information sharing in order to get an idea of the current situation. Technological advances had provided more possibilities for rightholders to use different media for the broadcasting of their programs and signals. The internet was a phenomenon that had been dealt with in many different ways by countries in the region, and further discussion was required in that respect. One objective of the meeting had been to recognize the main rights as well as public policies adopted in each country with respect to limitations of the exclusive rights of broadcasting organizations, and to recognize a standard for cable broadcasting. Some countries had stated the importance of defining the broadcasting organizations as subjects of protection and, where applicable, the possible difference with cable organizations and operators, since each country had granted entities the licenses or permits to provide radio and television services. The main focus had to be on granting broadcasting organizations the right to prevent third parties from using or exploiting their broadcasts or signals without their consent, a situation which had affected investment in broadcast or signal production and generated economic losses. With regard to the object of protection, the Chair had noted that one possible object of protection could be the transmission of a broadcasting

organization as established in the terms of the country of origin, taking into account that cablecasting was a new means by which broadcasting organizations diversified their services and conveyed information and content. The importance of granting protection to broadcasting organizations against piracy of their signals and broadcasts had been noted, as well as the importance of discussing national treatment together with the object of protection.

46. The Delegation of Brazil expressed its appreciation for the organization of the regional seminar held in Mexico and stated that the report reflected the contents and outcome of the meeting.
47. The Delegation of Guatemala thanked the Delegation of Mexico for presenting a report of the meeting and informed the Committee that it had been prevented from attending the meeting due to a natural catastrophe and therefore requested a written copy of the report.
48. The Delegation of India requested an English version of the report.
49. The Delegation of El Salvador, speaking on behalf of GRULAC, expressed its appreciation for the report presented by the Delegation of Mexico and for the general update presented by the Secretariat at the briefing prior to the SCCR.
50. The Director General expressed the readiness of the Secretariat to provide to the Committee an English translation of the report presented by the Delegation of Mexico.
51. The Secretariat informed the delegates that the next regional meeting, for Asia Pacific countries, would be organized during the week of July 12 in New Delhi. It reiterated the earlier information provided by the Delegation of India that there would be three back-to-back meetings in Asia. The first regional seminar would be on the protection of broadcasting organizations, to be followed by a regional seminar on the protection of audiovisual performances and the final meeting would be on copyright and enforcement in the digital environment. The Secretariat indicated that a third regional seminar for the African Group had been scheduled to take place in Nigeria, probably in September, with the date yet to be confirmed. In addition, a fourth meeting was also being planned for the Arab countries. Informal reports on the meetings would be presented at the November session of the Standing Committee.
52. The Chair urged the delegates to take into account the results of the meetings before they entered into discussions on which kind of an instrument to be envisaged, as the Committee would need information on the seminars and expert meetings at regional levels. The Chair enquired whether there were other reasons why the Committee could not begin the debate on the protection of broadcasting organizations.
53. The Assistant Director General drew the attention of the Committee to the investment, in terms of finance, efforts and time that went into the organization of those regional seminars, and called on the delegates to consider the productivity and effectiveness in terms of moving the process forward. The seminars were an opportunity to exchange views and share understanding, but should also contribute to moving the process forward.
54. The Chair called on delegates to anticipate the outcome of the deliberations after the relevant studies were analyzed and while waiting for the reports of the regional meetings. He suggested that delegates focused on the understanding that could emerge from those studies and meeting, including a synthesis of the problems and legal and socioeconomic issues, as well as market aspects and the impact of the possible treaty. The Chair called

on delegates to consider the kind of practical steps after that exercise and whether the SCCR would be able to instruct the Secretariat to prepare a new draft treaty.

55. The Delegation of India called on the WIPO Secretariat to complete the third part of the study on the socioeconomic dimension of the unauthorized use of signals for the 21st SCCR session. It urged the Secretariat to factor into the study the statement the Delegation of Thailand, made on behalf of the Asian Group, on the access to information already in the public domain. India would like the open-ended informal discussions on the international obligations to follow the signal based approach to prevent the unauthorized use of signals. However, debate on the broadcasting issue should proceed only after submission of the third part of the study and completion of the remaining regional seminars. In that connection, it proposed that the Secretariat produce an analytical document on all the three studies by the 21st SCCR session, which may also include the outcomes of all the regional seminars, to facilitate further discussions on the topic.
56. The Delegation of Barbados sought clarification from the Chair on when the analytical document mentioned by the Delegation of India could be made available. It suggested that, to advance the work of the Committee, a working group should be established to look into the various technical issues. The analytical document should be placed before the possible working group so constituted.
57. The Chair sought the opinion of delegates if a request should be made to the Secretariat for the preparation of a synthesis on the basis of the studies and the results of the regional meetings. He noted that such a document might not cover all possible activities, as some of them might be organized at a late stage or might even take place after the next meeting of the SCCR.
58. The Delegation of South Africa felt that questions and comments should form part of the analytical part of whatever document the SCCR would agree on. South Africa was open to see how to proceed and would try to find a way forward to conclude the negotiations on the issues.
59. The Chair stated that the SCCR would return to possible conclusions of the item on broadcasting organizations after the presentation of the Screen Digest report by its author expert.

Protection of Audiovisual Performances

60. The Chair opened the discussion on the issue of protection of audiovisual performances. He noted that, according to the conclusions of the 19th SCCR session, the Committee would, during the 20th session, consider the next steps and evaluate if there was consensus on a possible recommendation to the General Assembly to convene a diplomatic conference for conclusion of a treaty on the protection of audiovisual performances. He recalled the informal consultation that had taken place on this issue on May 28, 2010, chaired by Mr. Ositadinma Anaedu of Nigeria. He invited Mr. Anaedu to present a report of the consultation.
61. Mr. Anaedu of the Delegation of Nigeria took the floor to report on the informal consultation. He noted that the key provisions under consideration were defined by reference to 19 articles provisionally agreed in the 2000 diplomatic conference. He noted further that all Member States accepted the 2000 provisional agreement as the basis for discussion. However, some countries considered that the provisional agreement should

remain as it is, without any modification or addition, to the effect that the 19 articles should not be reopened in any way. He stated that other delegations considered that while the 19 articles should be left unchanged, one additional provision was needed to address the issue of consolidation of rights of performers, with a view to provide greater certainty in the international exploitation of audiovisual content. Another group of countries took the view that the provisional agreement of 2000 should be reviewed in light of the passage of time, taking into consideration such issues as technological changes and the advent of the WIPO Development Agenda. Mr. Anaedu stated that while progress had been slow in recent years, during the informal consultation on May 28, 2010, a clear commitment had been expressed by Member States to establish, during the 20th Session of the Committee, concrete deadlines for new proposals. He noted the recent conclusion of an agreement between key stakeholders in one Member State, which could lead the way towards agreement on the key issue of consolidation of rights of audiovisual performers.

62. The Chair thanked Mr. Anaedu for his report. He noted that the present session of the Committee could agree on a deadline for submission of concrete proposals for possible additional elements of a treaty on the protection of audiovisual performances. He invited Member States to make proposals for specific deadlines.
63. The Delegation of Brazil noted that it had been among the delegations which had proposed giving a new opportunity for Member States to make additional submissions on the draft treaty. It took the view that such submissions should be made on any issue of the provisionally agreed treaty in 2000, including on the 19 articles which were provisionally agreed upon. It proposed that such submissions should be made in the form of legal language, and should be submitted within a month or two in order to enable Member States to discuss the new proposals at the next session of the Committee.
64. The Delegation of the United States of America agreed that new proposals or suggestions for additional elements of a draft treaty should be as precise as possible, without foreclosing their exact format. As to timing, the Delegation noted that the deadline for submissions should be as ample as possible while leaving sufficient time for translations into the working languages of WIPO.
65. The Delegation of Senegal recalled the end of the Diplomatic Conference in 2000 where consensus had been reached on 19 articles, and the Diplomatic Conference in 1996 where the rights of performers in sound recordings had been updated, but not the rights of audiovisual performers. While acknowledging that technological changes had occurred in recent years, the Delegation urged that those delegations seeking changes in the 19 articles should explain with precision the changes that should, in their view, be made, i.e., in which articles and in which respects. This would save time and expedite the future work.
66. The Delegation of Ghana stated that while its position was subject to the overall position of the African Group, it agreed with the statements by the Delegation of Senegal concerning the need to proceed expeditiously to conclude a treaty for the protection of audiovisual performances. The absence of a treaty benefitted piracy, and negotiations should proceed on the basis of the 19 articles agreed in 2000.
67. The Delegation of Mexico reaffirmed its support for adoption of a treaty for the protection of audiovisual performances, and indicated that it was time to adopt tangible and concrete decisions in order to move forward to convene a diplomatic conference. It appeared appropriate to debate only those aspects which had not been approved during the Diplomatic Conference held in 2000, namely, concerning the transfer of rights from the

performer to the producer. Once the issues that remained pending from the 2000 Diplomatic Conference were resolved, the Secretariat would be able to draw up a basic proposal with the 20 articles already agreed upon and convene the diplomatic conference. The 19 articles would be debated taking into account the changes which had taken place over the last ten years. Draft Article 12 on transfer of rights had remained pending after the 2000 conference. It set out different variations on how to achieve the right balance between the needs of producers in regard to trade certainty and the need of performers to ensure that their rights support their capacity to negotiate with producers. Option E of Article 12 appeared as the preferable solution, but with some modifications. It was necessary to add a paragraph which stated that, given the absence of contractual provisions, those who used the performances for commercial purposes should make the corresponding payment to the artist. In that way, both the exclusive right as well as the right to remuneration for performers would be covered.

68. The Delegation of Spain, speaking on behalf of the European Union and its member States, stated that it was necessary to renew the efforts in order to come to an international agreement on the protection of audiovisual performances. In that regard the objective should be to achieve an appropriate level of protection for audiovisual performances in line with that which was guaranteed by the WPPT. Priority should be accorded to issues which remained pending from the 2000 Diplomatic Conference.
69. The Delegation of Nigeria shared the position of the Delegation of Senegal, which had expressed the African Group position. It was necessary to move rapidly towards a treaty. Articles already agreed upon did not need to be reopened. However, for the sake of flexibility, it was necessary to remain open to new ideas outside of the 19 articles.
70. The Delegation of El Salvador expressed its appreciation for the consultations which had taken place with regard to audiovisual performances in May 2010. The Delegation remained open and available to find a treaty solution to this category of rights, which had not been dealt with satisfactorily under the Rome Convention.
71. The Delegation of Australia continued to support the conclusion of the provisional agreement on the protection of audiovisual performances adopted in 2000. As indicated by the Delegations of Ghana and Senegal, it appeared convenient to receive further explanation on the need for reopening the 19 articles of the provisional agreement. The objective of the treaty had not changed with the passage of time and the SCCR should move towards a final draft treaty without reopening the provisionally agreed articles. If other delegations considered it necessary to reconsider the existing articles, such exercise should be done efficiently and within a limited timeframe, so as not to lose any existing momentum towards finalizing the treaty.
72. The Delegation of New Zealand considered that the progress already made should not be undone and supported committing to the 19 provisionally agreed articles. While the 19 articles could form a solid basis for the conclusion of negotiations, some delegations were concerned that those articles should reflect developments in the technological environment. It was necessary to encourage the expeditious resolution of such concerns and therefore to support that a firm deadline be established for any additional proposal. Expediency was also relevant for the transfer of rights as that issue needed to be resolved before discussions on the treaty could be concluded. It was also necessary to maintain a level of flexibility in order to accommodate different approaches. Accordingly, a specific work program should be established to address the transfer issue.
73. The Chair explained that all those who had taken the floor had indicated that the treaty on the protection of audiovisual performances should be established as soon as possible.

The question was about the next steps towards that possibility. The Committee could fix a deadline for submissions for new elements, in addition to the 19 articles provisionally agreed. The Secretariat would consider the most feasible deadline to take into account the need for time to edit the text, translate it and make it available to delegations in advance, so that the documents could also be considered in the capitals before the next meeting.

Protection of Broadcasting Organizations (continuation)

74. A presentation was made by a representative of Screen Digest on the two Studies it had prepared on the Socioeconomic Dimension of the Unauthorized Use of Signals, namely documents SCCR/19/2 and SCCR/20/2. Delegations asked questions and the author expert answered them.
75. The Chair stated that the Secretariat needed guidance to look at the next steps and how comments could be taken into account. An important amount of preparatory work had been done in the period from the end of the 1990s until the present, including studies, regional conferences, meetings, information collection, in order to understand the phenomenon that needed to be regulated. The Committee should reflect on the next steps on how to provide a new basis to develop an international instrument which could reasonably be adopted.
76. The Delegation of Japan stated that the presentation by Screen Digest had provided very useful information with regard to what was happening in the broadcasting landscape. Continuing efforts had been undertaken to carry out studies and organize regional seminars to further understand the need of the protection of broadcasting organizations. It strongly supported moving forward the discussion on the protection of broadcasting organizations, although different views on certain points still existed. Further concrete steps with a specific timeframe had to be established to move forward on the discussion of the protection of broadcasting organizations.
77. The Delegation of Mexico referred to the existence of powerful negative phenomena which prejudiced the activities of broadcasting organizations and harmed other rightholders' interests as well as cultural activities and the economic development of nations. Broadcasting signal piracy was one such phenomenon. According to the study on the socioeconomic dimension on the unauthorized use of signals, re-broadcasting was a form of piracy which had spread in different regions where the regulations which governed re-broadcasting were deficient or not very strictly applied. National and regional seminars on the protection of broadcasting organizations had proven very useful to better understand how signal piracy affected not just the rights of broadcasting organizations, but also rightholders. Piracy had been only increasing with technological progress. Agreement existed in the Committee on the need to establish effective protection for the rights of the broadcasting organizations at an international level against signal piracy. The topic of protecting broadcasting organizations had already been discussed extensively for more than a decade. The time was ripe to make specific decisions which would enable to move ahead. Three ways to make headway in the negotiations could be considered. The first was to carry out the work in the framework of inter-sessional meetings which could include all Member States. The second way was for the General Assembly to convene a diplomatic conference in 2011, taking into account the fact that the seminars had proven useful. A third way was the submission of new proposals which could contribute to the discussions.

78. The Chair recalled that suggestions had been made for the preparation of an analytical document on the basis of the studies that had been partly finalized. References had also been made to the fact that information and findings had emerged from the regional meetings that could lead to discussions on the next steps, and the possibility of establishing a working group before the next Committee's session in order to assess and evaluate the technological issues where further understanding from the delegations was required.
79. The Delegation of Spain, speaking on behalf of the European Union and its member States, said that the second part of the study on the socioeconomic dimension of the unauthorized use of signals represented a good analysis on the impact of the unauthorized use of signals in the broadcasting sector. Moreover, the European Union and its Member States considered that the studies were a useful tool for future discussions, since they provided evidence of the need to modernize the legal protection of broadcasting organizations at the international level. It thanked the Secretariat for organizing regional seminars which could help the negotiations by analyzing the objective, the specific scope and object of protection separately. That approach was essential in order to face the issue of the updating of the protection of broadcasting organizations, since the conditions for convening a diplomatic conference as set up in the mandate of the 2007 General Assembly were not flexible enough to reach a consensus. Therefore, a discussion within the Committee on the possible revision of the above-mentioned mandate was required. The European Union and its member States looked forward to studying other suggestions so as to eventually break the current deadlock of the negotiations and stood committed to work towards a consensus that would result in adequate protection of the broadcasting organizations at the international level.
80. The Delegation of Iran stated there was an urgent need to protect broadcasting organizations to prevent signal piracy. There was divergence among the Committee's members on the scope of protection. The Committee had to work and clarify the scope of protection, the objective and object of protection in the proposed treaty. The new treaty had to prevent pirating signals of broadcasting organizations by any means, including the web-based piracy of broadcast signals. The new treaty should not restrict free access to knowledge, information and science by society, which should be based on a robust system of exceptions and limitations. The Delegation was ready to engage constructively in negotiations to move toward a positive conclusion regarding the treaty for protection of broadcasting organizations.
81. The Delegation of Kenya extended support to the views and suggestions articulated by the Delegation of Senegal, which had stated that it was manifestly clear that the broadcast and creative industries were under siege from the pirates. It was now urgent for Member States and WIPO to act swiftly by concluding an effective and comprehensive instrument for the protection of broadcasters.
82. The Delegation of Australia referred to divergent opinions on that issue, but expressed support for the adoption of a treaty. It hoped progress could be made either on the signal piracy approach or on the broader retransmission approach.
83. The Delegation of the Russian Federation supported the ideas to summarize all the available material in order to make progress towards the adoption of an international instrument. It also endorsed the proposal about establishing a working group. That group could prepare a very useful document which the Committee could then discuss as a basis for the work in a diplomatic conference.

84. The Chair noted that the Committee had confirmed its willingness to continue working on the enhanced updated system of protection of broadcasting organizations in the form of a treaty, but it required further discussion on how to make it happen. The Committee had welcomed the first two parts of the study that addressed the current market, technology trends and access issues and expected the third part to be made available at its forthcoming session. A request for an analytical document outlining the main findings and conclusions of the three studies had also been made. The Committee was committed to continue work towards developing an international treaty addressing the present and emerging technological issues and, at the same time, taking into account the important aspects and questions concerning the public interest and access to information. Further information and analysis from the regional consultations and meetings was also expected. The idea of a structured way of working between the sessions had also been clearly formulated through the setting of an informal working group. Those would be elements to be considered for the draft conclusions to be submitted to the Committee.
85. The Delegation of Brazil stated that the Committee was rushing and that it was important to first conclude the studies before any inter-sessional meeting could be considered.
86. The Delegation of Angola requested clarification about the informal working group which had been proposed.
87. The Chair replied that the idea was to work between the current meeting and the next meeting to better understand the technical issues concerning the protection of broadcasting organizations. Those activities had to be open-ended.
88. The Delegation of Argentina agreed with statement made by the Delegation of Brazil and stated the Committee was rushing ahead whereas the studies had to be completed first, before deciding on having another inter-sessional format.
89. The Assistant Director General questioned the previous statements by the Delegations of Brazil and Argentina, given that the issue of the protection of broadcasting organizations had been under discussion for more than a decade. He queried how the Committee could be rushing in the year 2010 when the topic had been discussed for so long. The third part of the broadcasting study on the socio-economic impact of the unauthorized use of signals would be made available soon, and that could not be a justification for failing to constitute the inter-sessional working group. The intention would be for the working group to make recommendations to the SCCR and it would not make any decisions that would bind the Committee.
90. The Delegation of South Africa sought clarification on the process that would follow completion of the studies on the socioeconomic dimension of protection of broadcasting organizations, as developing countries would need technical assistance to understand the issues involved in the studies. The Delegation asked the Chair to clarify whether there would also be an update of the studies.
91. The Chair responded that the Committee had not agreed on any conclusion yet. His remarks were therefore based on oral remarks that had been reflected in the discussions.
92. The Delegation of Brazil endorsed the Chair's response.
93. The Assistant Director General questioned whether there was a need to update the current studies on the basis of a series of questions and comments, to which the author expert had responded. The Assistant Director General noted that the comments were

key to the context of the study and helped Member States to make decisions. He called on the Committee to reflect on the real value-added to be gained from an update of the studies, in terms of moving the process forward.

94. The Chair reminded the Committee that what was left on the substantive discussions of item number 5 of the agenda, namely broadcasting organizations, was whether the Committee would adopt the conclusions of the Chair or whether there would be further consultations to arrive at a conclusion that would be acceptable to all.

Limitations and Exceptions

95. The Chair summarized the main ideas and proposed possible conclusions to be adopted by the Standing Committee on that issue. The Chair suggested opening the discussions on limitations and exceptions under item 7 of the agenda. He reminded there were two issues: first, the issue of an international instrument concerning persons with print disabilities about which four proposals were on the table, namely the proposal by Brazil, Ecuador, Paraguay and Mexico (SCCR/18/5), a draft consensus instrument presented by the Delegation of the United States of America (document SCCR/20/10), a proposal from the African group, (document SCCR/20/11) and a proposal from the European Union (document SCCR/20/12). The second issue was general aspects of exceptions and limitations. The Chair suggested dividing the consideration of item 7 in those two parts.
96. The Delegation of Senegal suggested starting with a detailed presentation of the new proposals.
97. The Chair proposed to discuss the substance of the proposals on limitations and exceptions for persons with print disabilities. The working methodology could consist of the presentation of the proposals by the proponents of various international instruments followed by the discussion by members of the Committee.
98. The Delegation of Angola supported the working methodology.
99. The Delegation of United States of America agreed with the Delegations of Senegal and Angola on the idea of making presentations on the three new international instrument proposals.
100. The Chair added that discussions should cover also the Timetable for the Adoption of a WIPO Treaty for an Improved Access for Blind, Visually Impaired and Other Reading-Disabled Persons, submitted by Brazil, Ecuador, Mexico and Paraguay (document SCCR/20/9); and other documents prepared by the Secretariat, namely Supplementary Information on Studies on Limitations and Exceptions for Educational Activities (document SCCR/20/3); Second Analytical Document on Limitations and Exceptions (document SCCR/20/4); Examples of Practices and Other Measures at National Level for the Benefit of Persons with Print Disabilities (document SCCR/20/5); Third Interim Report on the Stakeholders Platform (document SCCR/20/6); and Report on the Questionnaire on Limitations and Exceptions (document SCCR/20/7). Moreover, a report on the open-ended consultations that had taken place on May 26 and 27 would be presented by the Chair of those consultations, Mr. Muhammad Enayet Mowla, of the Delegation of Bangladesh. He gave the floor to Mr. Mowla.
101. Mr. Mowla of the Delegation of Bangladesh stated that the two-day Open-ended Consultations on copyright limitations and exceptions for persons with print disabilities had taken place on May 26 and 27, 2010. The consultations had been organized in

accordance with the conclusions of the 19th session of the SCCR of December 2009. The first day of the consultations was open only to Member States. The second day included the other stakeholders, namely IGOs and NGOs, who had made very useful comments. Delegates from more than 50 Member States took part in those meetings. In-depth and interactive discussions had been held, which helped clarify the positions by various delegations as well as offering new perspectives and ideas. Two major developments had taken place: Brazil, Ecuador, Mexico and Paraguay had proposed a timetable aimed at the production of a treaty in the Spring 2012; and the United States of America had presented a draft proposal for a consensus instrument. It could be noted that the proposals on the table differed on the nature of the proposed instrument, either a treaty or recommendation, and on other aspects, such as the scope of flexibilities that beneficiaries could potentially use and the issue of cross-border transfer of specially formatted material. The additional proposals, presented following the Consultations by the African Group and by the European Union, proved the commitment and willingness of all members of the SCCR not only to contribute to the current international discussions but also to engage in a constructive dialog to find ways of advancing the work.

102. The Chair thanked Mr. Mowla for his report. The Chair invited the Secretariat and the organizations responsible for the coordination tasks, namely the International Publishers Association (IPA) and the World Blind Union (WBU), to present the Third Interim Report of the Stakeholders' Platform.
103. The Secretariat recalled that the first and second reports had been presented the previous year in relation to the first, second and third meetings of the Platform. Document SCCR/20/6 referred to the fourth meeting of the Platform, which took place in Geneva on May 26, 2010. Stakeholders from developing and developed countries had participated in that meeting in which the trusted intermediaries and technology subgroups had presented their relevant reports. Members of the Platform had approved all the documents presented by the trusted intermediaries subgroup regarding implementation of the pilot project and a proposal on the WIPO Information Technology Infrastructure. The three-year pilot project on the implementation of trusted intermediaries guidelines would start in 2010 with 10 to 12 initial partners. Funding for the pilot project was necessary and could be ensured through WIPO as well as sponsor funding identified with WIPO's assistance during the first year. The trusted intermediaries subgroup was still working on two IT agreements necessary to develop the pilot project, namely the file transfer and copyright agreements. At the beginning of 2010, the Secretariat had been approached by some stakeholders to explore the possibilities of using the WIPO IT infrastructure to develop an international network on trusted intermediaries. Members of the Platform had welcomed the creation of a WIPO Trusted Intermediaries Network including possible merger with the Global Accessible Library (GAL), led by the Daisy Consortium and IFLA, and even the possible creation of a trusted intermediary registry at WIPO. As to the technology subgroup, the work on the enabling technologies framework project had begun and stakeholders had been working on the recouping of resources and also developing the work regarding certain standards. An important highlight was the creation of a third subgroup within the Platform, which would deal with issues such as capacity building, training of trainers, raising awareness activities, among others. The Secretariat had agreed to work closely with the stakeholders to develop the terms of reference of that subgroup.
104. The representative of the International Publishers Association (IPA) recalled that all members of the Committee should take concrete practical steps to make sure that accessible works get into the hands of the people who needed them. That was what the Stakeholders' Platform was trying to achieve. He highlighted various aspects. One was the importance that the Platform attached to the provision of access in the developing

world and, under the guidance of the WIPO Secretariat, to the Development Agenda aspects of that work. The pilot would start with trusted intermediaries from four developing countries from the outset, namely from Asia, Latin America and Africa. It was also no coincidence that the next meeting of the Platform would take place in New Delhi, India. Another aspect was that in 11 pilot countries a local charity had been identified by both local rightholders and the print disabled communities. He clarified that the technical reservation to the participation of a trusted intermediary in the United States of America in the pilot had been overcome. Finally, he reported that a WIPO project manager was working full time and at full speed with other experts representing the stakeholders on the trusted intermediaries network. While everybody aspired towards a sustainable business model, he recalled that the development work of the next three years would require financial support.

105. The representative of the World Blind Union (WBU) said that his Organization was totally committed to working with the rightholders within the Stakeholder's Platform. He endorsed the comments of the Secretariat and IPA. He asked the delegates to put the Stakeholder's Platform into context and see its work as part of a twin-track approach. The Platform meant working with the rightholders to open up avenues of licensing and production. But also, in parallel, it was necessary to have a normative legislative framework to enable the VIP community to do other things which could or were not being done through the Platform. The Platform was a very positive beginning, but there were only around ten trusted intermediaries participating in the first phase, which would last for three years. He was personally involved with the new working group on capacity building activities of the Platform and looked forward to its progress in the near term.
106. The Delegation of the United States of America confirmed that although the third interim report stated that the inclusion of the United States as part of the trusted intermediary pilot project was up for further discussion, the Platform had now approved its participation in the pilot project.
107. The Delegation of Brazil welcomed the third interim report of the Stakeholders' Platform as an important complementary activity to the discussion of a treaty on copyright exceptions and limitations for the benefit of the visually impaired. Regarding the pilot project involving some organizations referred to as trusted intermediaries, it sought clarification on how many adapted works would be available as a result of the pilot project, how participants would be selected and which countries and languages were involved in the project.
108. The representative of the International Publishers Association (IPA), in response to the questions raised by the Delegation of Brazil, clarified that the pilot project was based on trying to test something that had not been tested previously. The ambition was, by the end of the third year, to include all titles from all authors whose works were held in an accessible format in any of the repositories of any of the trusted intermediaries. The expectation was that users could freely choose whatever title they would have liked to use from whatever country, and that it would have been made available to them expeditiously. He clarified that all titles from all authors from all publishers would not be available at the outset.
109. The Delegation of Brazil asked whether the pilot project would create any additional titles, apart from titles that already existed and those that would have been made available during the upcoming three years.
110. The representative of the International Publishers Association (IPA) clarified that the pilot was not expected to include only works currently in the repositories. There was a hope

that the rightholders would also contribute titles not yet published, by releasing the digital files to the trusted intermediaries. Those files could be released to the users on the day of publication, the same day when the book was available to the users without print disabilities.

111. The Chair said that it was time to start discussing in detail the four proposals on the table. The Chair proposed to follow the order of submission.

112. The Delegation of the United States of America presented the proposed consensus instrument in document SCCR/20/10, and stated it was ready to discuss the important and critical issue of access to books and materials on behalf of blind and persons with print disabilities. Access to books, information and ideas was essential for personal and professional growth and full engagement in society. While the United States was committed to protecting and enforcing copyright law, it was absolutely committed to furthering international efforts to enhance access to books and materials for persons who were blind and with print disabilities. President Obama and his Administration had demonstrated an extraordinary commitment to the blind community, from appointing a blind person to the highest ranking White House position on disability issues, to signing the UN Convention on the Rights of Persons with Disabilities, a treaty that many WIPO Member States had advocated, signed, and ratified. It was time for action. Whether the action took the form of a model law, a joint recommendation, a consensus instrument, or a treaty, solutions were needed. The SCCR should consider real options and solutions. It acknowledged and applauded the work of other Delegations for their extraordinary work and commitment to the issue. It acknowledged the draft treaty language prepared by the World Blind Union and submitted by Brazil, Paraguay and Ecuador. It also recognized the thoughtful consideration provided by the Mexican Government and the Mexican Ambassador; together with the important work represented by the African Group's proposal. Finally, it welcomed the submission of the joint recommendation from the European Union. The Delegation was prepared to change the landscape and scope for access to materials for persons with print disabilities. Thoughts and ideas on potential solutions played a pivotal role in the development of potential solutions. The United States had undergone an exhaustive process to guide the development of its proposed instrument. In keeping with President Obama's mission of conducting business in an open and transparent way, numerous consultations, meetings, and conversations with stakeholders from the blind and print disability community, as well as those from the copyright community, had been conducted. That work had helped to guide an interagency process which had been established in 2010. That interagency process had recognized that two key international legal norms were highly relevant for the issue. One was the nature and scope of exceptions for blind persons in national law. The other was the need for cross-border exchange of special format materials, and for establishing principles on the importation and exportation of special format works. It recognized the complexity of developing a language that both respected the existing national laws, while at the same time provided assistance to countries that had less experience in the area. The primary goal of such process was to address the unacceptable book famine. The United States of America was offering a proposal to establish clear, definite international legal norms for the cross-border exchange of special format works. The submission was to be considered as a first step. Ultimately, after due diligence and further work, the consensus instrument could become a joint recommendation or the basis for a comprehensive treaty. The instrument could provide intermediaries with guidance and solutions for the cross-border exchange of special format works. The proposal was simple but effective. The two main articles focused on the importation and exportation of special format works. For physical Braille copies, countries with national laws that provided exceptions regarding reproduction and distribution of special format works could freely import and export those works. As to all other special format works, such as

audiobooks and electronic formats, the instrument provided that, if a country had a national exception for the visually impaired, that country should allow trusted intermediaries, as legitimate institutions designed to serve the needs of the visually impaired, to import and export those special format works to other trusted intermediaries. Finally, the instrument contained a set of definitions. It was noted that those definitions borrowed heavily from the World Blind Union draft treaty and the national laws of many countries. Blind people across the world were clamoring for books, materials and information. It hoped that even if no proposal was accepted 100 percent without changes, the SCCR would be keen to make a fundamental decision without delay.

113. The Delegation of Angola, on behalf of the African Group, referred to the draft WIPO treaty on exceptions and limitations for the disabled, education and research institutions, libraries and archive centers, included in document SCCR/20/11. The African Group proposal contained the following main parts: a preamble and definitions, reflecting some aspects of what had been proposed by the World Blind Union and certain Latin American countries; a part on limitations and exceptions for education and research institutions; and another part on limitations and exceptions for libraries and archives. The UN Convention on the Rights of People with Disabilities recognized the principles of non-discrimination and the equality of opportunities. There were articles on specific programs for the blind and the right of everyone to have access to education, as recognized by the International Convention on Economic, Social and Cultural Rights. At that time, most developing countries were significantly behind in access to educational materials, and the proposal tried to solve that problem. The proposal also guaranteed the right of freedom of expression, including the right to research, receive and share information without any barriers, whether orally, in writing, in print form or any other form. The position of the African Group tried to facilitate access to information to avoid any isolation or exclusion of any part of the public and the dissemination and preservation of literary and artistic heritage, while guaranteeing equal opportunities to access to education, culture and training. The African Group made a proposal defending a holistic approach and responding to the various needs of the beneficiaries, fully in line with the policies of WIPO. Any legislation on copyright was territorial in nature, therefore a trans-border regulation for the development of new technologies for the benefit of people with disabilities was needed. The needs of developing countries were enormous as 90 percent of the blind were living in developing countries and priority should be given to all of those needs. Africa was the most disadvantaged continent, but also the continent that was most behind regarding access to technology and sufficiently supplied libraries. The African Group was open to any comments or proposals to improve the draft. Article 1 defined what was meant by "works," "accessible formats" and also "databases and archives". Article 2 dealt with the beneficiaries of the treaty, covering disabilities as listed in Article 21 of the UN treaty. Article 3 covered the nature and scope of publications and the obligations of contracting parties. Article 4 regulated the relations with other international instruments, for example, the Berne Convention, WCT, TRIPS Agreement and other UNESCO conventions. Article 5 dealt with limitations and exceptions to copyright for persons with disabilities, which was relevant to the use of works and also conditions for access to works in developing countries. Article 6 regulated reproduction for private use and research. Article 7 dealt with educational and research institutions. Article 8 dealt with libraries and archives. Article 9 regulated exceptions for computer programs to allow interoperability, including for the benefit of the visually impaired. Article 10 concerned limitations and exceptions to neighboring rights. Article 11 regulated the use of works protected by copyright that had already been made public. Article 12 dealt with recognition of the moral right. Article 13 dealt with circumvention. Article 14 dealt with contracts. Article 15 focused on what the consensus instrument proposed by the Delegation of the United States of America dealt with. Article 16 was on notice to rights holders for reproduction activities. Article 17 established

a database on the availability of protected works. Articles 18 and 19 were about remuneration for the commercial exportation of works. Article 20 dealt with respect for privacy. Article 21 described the range of disabilities covered. According to that article a disabled person meant any person suffering from a physical impairment or cognitive incapacity. Article 22 covered the conference of the parties. Article 23 regulated optional protocols. Article 24 focused on implementation and was followed by final provisions. The Delegation was delighted to hear from the Delegation of the United States of America that it was hoping to achieve an international treaty on the subject.

114. The Delegation of Spain, on behalf of the European Union and its member States, thanked the Secretariat for the supplementary information on the studies on limitations and exceptions for educational activities. It welcomed the finalization of the questionnaire on limitations and exceptions and the preparation of a consolidated paper on the basis of the replies submitted by member States. The European Union was committed to work constructively within the Committee, in particular on the multifaceted issues affecting access of persons with print disabilities to copyright protected works. It was also grateful to the Secretariat for organizing informal consultations on the disability issues. In that respect, it appreciated the proposals made by the Delegations of the United States, Angola, and Brazil, on behalf of Ecuador, Mexico and Paraguay. Additionally, the ongoing work carried out by the WIPO Stakeholders' Platform was very positive, since it provided information to address the complex issues related to that common task. As illustrated by the exception already in place in the European Union legal framework, the needs of people with print disabilities were fully recognized. The Delegation had worked to set out the means to deliver an effective and balanced solution to improve the access to copyright protected material internationally, on the basis of the work already carried out at the European level by Member States and the European Union stakeholders. The draft joint recommendation concerning improved access to works protected by copyright for persons with print disabilities followed a pragmatic and results-oriented approach, based on two key elements: first, Member States were recommended to introduce suitable exceptions to allow the reformatting of published works in order to make them accessible for persons with a print disability; and, second, the proposal introduced rules and mechanisms on how such works in accessible formats could be distributed across national borders. The proposed text comprised nine provisions. Article 1 provided comprehensive definitions of beneficiaries, works in accessible formats and trusted intermediaries. Article 2 recommended Member States to introduce exceptions for persons with a print disability in the national laws covering the rights of reproduction, distribution and the right of making available, as defined in article 8 of the WCT. Articles 4 and 5 related to the facilitation of the cross-border distribution of works in accessible formats. The exportation of works produced in an accessible format pursuant to a copyright exception would be lawful, either because the export was licensed by the relevant rights holder or because there was a corresponding exception in the country where the person with a print disability was domiciled. The text of article 3 included the setting up of trusted intermediaries in all Member States of WIPO. Articles 7, 8 and 9 provided for the development of an online international accessible works service, the promotion of an enabling technology framework, and the encouragement of awareness-raising activities for all stakeholders and the public at large. The establishment of trusted intermediaries was an essential step in the distribution of special format works. The proposal comprised all the necessary tools to ensure its immediate effect. While the proposal provided that all Member States should gradually introduce such exceptions, if they had not already done so, the proposed rules on cross-border exchanges allowed, if the relevant rights holder agreed, the access to such reformatted works even in the absence of a copyright exception in the country of residence of the person with a print disability. The choice of submitting a non-binding instrument would allow the achievement of real and rapid progress. Other aspects were

highlighted by the Delegation. First, the proposal had a high level of definitions of the main elements contained, such as a “person with a print disability,” “a work in an accessible format” and “a trusted intermediary”. Second, it included a broad and comprehensive range of beneficiaries considered to be persons with disabilities, divided into five different categories. Third, the proposal referred to the copyright in, and production of, accessible format works. Fourth, the proposal encouraged the establishment of legal limitations and exceptions regarding the right of reproduction or making available to the public exactly as described in Article 8 of the WCT. Fifth, it developed the concept of trusted intermediary in a very balanced way, and that was the key to obtain the import and export of works in cross-border formats, because such intermediaries needed to enjoy the confidence of both the rightholders and organizations of people with disabilities. Sixth, the proposal established two alternatives for cross-border procedures; one applied when the two countries involved had regulations or limitations and exceptions; and the other applied when the transfer could be done through a license agreed with the rightholders. Seventh, it proposed to draw up a catalog of accessible works in order to share databases of works that could have been the subject of transfer. The proposal was to achieve results for all persons with visual impairments throughout the world, in a uniform way. Eighth, it realized the importance of developing technologies to facilitate such transfer of work. And ninth, it proposed involving everyone dealing with exceptions and limitations in order to be as effective as possible. In conclusion, in order to demonstrate its commitment to solve this major challenge, the Delegation quoted a famous phrase of Jorge Louis Borges: “We are not what we are because of what we write, but because of what we have read”. Borges lost his eyesight at the age of 55, but that had never prevented him from continuing his activity not only as a writer, but also as a reader.

115. The Chair recalled that discussions on the questions concerning limitations and exceptions had been tentatively divided in two main parts. One was related to access by people with print disabilities to protected materials, and the other was the general issue of limitations and exceptions.
116. The Delegation of Ecuador, on behalf of the Delegations of Brazil, Ecuador, Mexico and Paraguay, referred to the ongoing work of the Committee on the issue of limitations and exceptions for the visually impaired since the 17th session of the Standing Committee. The proposal for the timetable, in document SCCR/20/9, put forward a schedule to debate and to negotiate the draft treaty and aimed at its adoption in Spring 2012. It was hoped that during the WIPO Assemblies of 2010, Member States would have a clear report from the Committee and decide on a mandate to negotiate a treaty. The proposed treaty in document SCCR/18/5 could facilitate an effective exchange of accessible books among organizations serving the blind and the visually impaired through the international harmonization of limitations and exceptions. Moreover, the draft treaty was consistent and closely linked with other international conventions and treaties, such as the UN Declaration on Human Rights and the Convention on the Rights of Persons with Disabilities. The latter had been signed by 145 countries so far. The time had come to make progress with firm and concrete action. The Committee should and could overcome a problem that was dealt with by WIPO and other organizations 25 years ago, to which no answer had been provided to date.
117. The Delegation of Barbados believed that the proposals of the African Group, the United States of America and the European Union contained elements which would be useful in the identification of the most effective provisions to improve access of the print disabled to copyright protected works. Barbados supported the proposals of GRULAC and the African Group to adopt a treaty. It appreciated the statement by the United States of America that the consensus instrument was only the first step of a

two-stage process which could consist of a consensus instrument followed by a treaty. A consensus instrument had value but could not necessarily provide a more immediate solution to improve access to copyright protected works for the print disabled. The draft proposal on the consensus instrument, with appropriate amendments, could be acceptable on the understanding that, one, the consensus instrument was to be regarded as a complement rather than an alternative to a treaty; and two, that the provisions of the consensus instrument would be the basis on which a treaty could be concluded as soon as possible. Similarly, the European Union's joint recommendation proposal should be considered a complement and not an alternative to a treaty. The Delegation recalled that if the Committee could negotiate a treaty to protect the rights of broadcasting organizations and a treaty to protect the rights of audiovisual performances, it would be able then to negotiate a treaty to improve access to copyright works for persons with print disabilities.

118. The Delegation of Kyrgyzstan, on behalf of the Group of Central Asian, Caucasus and Eastern European Countries, welcomed the various proposals that aimed at providing real access to the visually impaired persons to science, technology and art.
119. The Chair proposed that non-governmental organizations gave their statements on all the topics of the agenda. Each intervention should last no more than three minutes.
120. The Delegation of Brazil supported the proposal of the Chair. The governments would have a more substantive discussion if they had the opportunity to listen to the interventions of non-governmental organizations.
121. The Delegation of Australia supported the comments of Brazil and the proposal of the Chair.
122. The Delegation of Thailand also supported the proposal and gave a statement in its national capacity. It fully agreed that there was a need for greater access to copyrighted works by disabled persons. Many countries had provided that possibility in their national laws. Thailand was in the process of adopting a similar exception in its copyright law. It stressed the importance of having a legally binding instrument to ensure that copyrighted works could be made available in special formats and accessed and shared worldwide. It welcomed and supported the treaty proposal put forward by Brazil, Ecuador, Paraguay and Mexico, as a good basis for discussion. It also thanked the United States of America, the African Group and the European Union for their proposals and presentations. It reiterated that limitations and exceptions were crucial in ensuring a balance between the rightholders and the larger public interest.
123. The Delegation of the United States of America also supported the suggestion of the Delegations of Brazil, Australia, as well as of the Chair. It suggested that the Delegations of Kyrgyzstan, Thailand and Barbados be given the opportunity to reiterate their perspectives when going back to discussions among Member States.

Statements of Non-Governmental Organizations

124. The representative of Public Knowledge stated that the study on the unauthorized use of signals prepared by Screen Digest was very informative. Signal theft could be a real issue, although a treaty that created new intellectual property rights to protect broadcasters was the wrong approach. Many of the examples cited in the Study related to programs and content, not to signals, and layering rights on top of other rights was likely to create needless complication. Signal protection was not an intellectual property

issue, which implied that narrow measures and the enforcement of existing laws were enough to address the issue. If the audiovisual treaty was to ensure that performers would be paid out of money that was already being collected overseas, its adoption could be a positive development but the treaty had to remain narrowly focused on its limited aims. Various proposals had been put forward before the SCCR demonstrating that governments had to recognize the right of the reading disabled to access knowledge and culture. The best way to protect those rights was through a binding international treaty that allowed for the creation and cross-border movement of accessible works without the permission of the rightholders, and without unnecessary hurdles and complications. Both the proposals of the United States of America and the European Union included good points but did not consider that aspect. Nothing should delay progress toward a binding treaty. Other instruments had to be considered in addition to, rather than instead of, a treaty. It encouraged the United States of America to work with the European Union and other proponents of the World Blind Union proposal to adopt a timeframe for moving forward.

125. The representative of *Unión Latinoamericana de Ciegos* (ULAC) stated that it was essential to have a clear idea of the context in which books were produced and how there was access to information in Latin America, which was very different from the context in Europe, the United States of America and Africa. The same applied to the exchange of works among countries which relied on few organizations with few resources which could exchange books only through intermediaries. As an example, it was important to allow visually impaired persons from Guatemala to have access to a Mexican library. A global solution had to be formulated, and a specific working timetable had to be elaborated to discuss all of those different issues. There was urgency to solve those problems. The partial solutions suggested by some stakeholders contained some interesting points but it was very difficult for Latin American countries to participate in those meetings. Almost two hundred countries were concerned with the problems to be addressed which could not be resolved through pilot projects involving only a limited number of countries in different regions.
126. The representative of the Perkins Institute for the Blind stated that the importance of the proposed treaty could not be more overemphasized as, in the 21st century, access to information equaled access to life and access to new opportunities. Those opportunities had to be addressed at that stage and were not only related with the issue of Braille but also concerned broader access to audio and large print material for the majority of persons who were partially sighted and who were not able to access to material transferred across borders.
127. The representative of the African Union of Broadcasters (AUB) stated that broadcasters needed the adoption of neighboring rights in the light of the totality of technical and financial and organizational efforts deployed by broadcasters when they undertook broadcasting activities. That encompassed both signals and content which were the essence of neighboring rights. It was high time to move forward and to make progress. It proposed to look into all the activities that had been undertaken since the last 15 years to synthesize all the information in a new basic document that could form the basis of future discussion. It expressed concern that some delegations were engaged in reverse gear rather than in a forward gear that could allow progress to be made in the Committee.
128. The representative of the National Association of Commercial Broadcasters in Japan (NAB Japan) referred to the football World Cup which was currently underway and was enjoyed by many people through broadcasting. When a natural disaster took place in the world, TV or radio were the first media to provide information and credible coverage. Broadcasting had been and was without doubt the most fundamental social

communications medium. In turn, the World Wide Web was a jungle with no rules and order. So many pirated broadcasts were only a mouse click away, and many people were watching those pirated TV broadcasts instead of regular ones. Signal piracy was threatening the very existence of the broadcasting industry. For the past decade, the digital world of the Web had been spreading dramatically, as had been the theft of signals suffered by the broadcasting industry. The same thing could be said about audiovisual performers, whose protection had been left out of the development of the Web. In the digital age, updating the protection of broadcasters and of audiovisual performers was an urgent need. In relation to exceptions and limitations, each Member State had its own system of limitations and exceptions based on the international principle of the so-called three-step test, and could adapt it to its own social needs and cultural backgrounds. Discussions had to focus on what was needed at international level.

129. The representative of *Discapacitados Visuales* (IAP) thanked the Government of Mexico for its efforts in ensuring access to information for people with disabilities. There was a need to strengthen the link between Mexican civil society and the Mexican Government. It endorsed the statement made by the Delegation of Ecuador which underscored the importance of civil society in the negotiating process and recognized the importance of making headway with negotiations. Many organizations were aware of the fact that they had to actively lobby their governments in order to ensure that public policies for people with disabilities were developed and put into practice at the national level. It supported the proposed treaty and recognized that all proposals put forward were very limited and could help develop a final proposal. She noted that the 7th World Blind Union Congress would be held early 2012 in Mexico.
130. The representative of the North American Broadcasting Association (NABA) thanked the Government of Mexico for the regional seminar held in Mexico City. The case for a new treaty continued to be made from the excellent study prepared by Screen Digest, which had described the many significant changes in the technological and marketplace environment of broadcasting in all parts of the world and had illustrated the obsolescence and inadequacy of the Rome Convention in today's world. Part two of the Study described piracy as a product of the inadequate protection of broadcast signals. Old forms of piracy still existed while new forms utilizing new technology such as the Internet had emerged. The Study had verified the harmful effects of piracy. There was a virtual circle around broadcasters and creators, so when broadcasters suffered, so did creators. Harm also extended to governments in the form of diminished tax returns. A new treaty required protection against online piracy, which was the fastest form of piracy of broadcast signals. From 2002, the draft treaty proposal had addressed that issue together with the proposal presented by the European Union. While many governments had felt that matter was not yet urgent, the work had proceeded on protection for traditional forms of broadcasting only. In the real world of 2010, that constraint needed to be removed and a new treaty had to include solutions to both new and old media problems. It supported the recommendation presented by the Delegation of Japan for a timetable for concluding a treaty to update the protection of broadcasting organizations.
131. The representative of the British Copyright Council (BCC) expressed appreciation that the consultations reported to the Committee on the protection of audiovisual performances had been maturing, and requested a timetable taking forward the proposals. While there had been many advances in technology since the proposal had been debated in 2000, the treaty provisions already applied for performers whose performances had been fixed in audio recordings. Examples of ways in which secondary use payments were made within many countries needed to be noted as a way of emphasizing the real and practical importance of the rights underlying the proposed treaty. Practical examples were relevant to the rights which were to be properly recognized in the proposal. On the issue

of limitations and exceptions, it supported the debate on facilitating access by persons with print disabilities, but emphasized that the report on the second analytical document on limitations and exceptions had noted the expansive nature of educational activities against the background of the Berne Convention. Some countries had provided for a broad national exception for education which included teaching, research, and educational and multiple subcategories. Other countries had narrow exceptions which dealt with the specific aspects of teaching related to activities. Those activities could promote creativity within educational markets and encourage investment in creative work, which in the end helped to promote education in ways that even a holistic approach to exceptions would not provide.

132. The representative of the International Music Managers Forum (IMMF) stated there was no reason why a broadcasting treaty could not be agreed in one day. Many delegations did not have the appetite to include new exclusive rights in a broadcasting treaty but there was a general agreement that a treaty which protected broadcasting signals, with the signal being defined as in the Brussels Satellite Convention, would have very wide support to protect broadcasting organizations' signals from unauthorized international rebroadcasting. Similarly, the draft audiovisual performances treaty could be agreed in one day if delegations could accept the 19 articles as agreed in 2000, and remain silent on the old article 12, or article 20 as renamed by the United States of America. At present, audiovisual performers were a second class category compared to their audio – only brothers and sisters, which was unreasonable, unfair and discriminatory. As far as a new instrument for the visually impaired was concerned, access to all books and other printed materials was necessary. The internet was a global phenomenon which required global harmonized copyright law, including flexibilities. He shared the vision and urgency to conclude the unfinished business in all of the three areas under discussion.
133. The representative of the Copyright Research Information Center (CRIC) stated that the protection of audiovisual performers and broadcasting organizations had not yet been updated although the Internet had spread all over the world and had become an indispensable means for our lives. However, development of the Internet had also brought large scale piracy of audiovisual performances and broadcasts which deserved updated protection. As to the protection of audiovisual performances, 19 articles had been agreed on in December 2000, and if one step forward could be accomplished, the international protection of audiovisual performances corresponding to the digital and Internet environment would be established. One step forward could also be accomplished by convening a diplomatic conference for the adoption of the draft treaty on the protection of broadcasting organizations.
134. The representative of the *Comité national pour la promotion sociale des aveugles et amblyopes* (CNPSAA) stated there were still some reservations on the publishers' side regarding the export and import of documents and other printed material in particular for academic circles. He was interested in seeing a comparison of the proposals in order to achieve consensus. An appropriate timetable needed to be established to achieve that goal as quickly as possible. The sooner the treaty could be signed the better it would be to have a higher quality service, greater development and access to printed material for visually impaired persons. Access was a fundamental right and goal to be achieved.
135. The representative of Inclusive Planet Foundation (INCP) indicated that it had been campaigning in India for appropriate amendments to the Indian copyright law to create exceptions and limitations that enable persons with disabilities to access material in alternate formats. The draft treaty proposed by the Delegations of Brazil, Ecuador, Mexico and Paraguay was essential for improving the lives of the millions of persons with disabilities in India. India, like other developing countries, was a country where large

funding for conversion and distribution was not available, and where there were no institutional intermediaries with the kind of reach, infrastructure and financial support as in the United States of America and Europe. All stakeholders, including non-governmental organizations, educational institutions, libraries, persons with disabilities, parents and volunteers had to be allowed to convert and distribute and import and export material in accessible formats. Any proposal which limited those activities only to intermediaries that had the support of rightholders would not be of any great benefit to India or other developing countries. It was important that persons with hearing impairment and persons with other disabilities who needed alternate formats not be discriminated against. The draft treaty proposed by the Delegations of Brazil, Ecuador, Mexico and Paraguay covered not only persons with print disabilities but also persons with other disabilities who required alternate formats. Non-commercial conversion and distribution did not entail any payment to rightholders although rightholders had to be compensated for commercial conversion and distribution. The draft treaty also provided for those two options. That system would incentivize rightholders to convert and sell material in accessible formats at affordable prices, which was the only long-term solution to solving the book famine. The experience in India showed that large corporations wished to convert material into accessible formats as part of their corporate social responsibility initiatives on a non-commercial basis. Ground realities in India and other developing countries were completely different from those in the United States of America and in Europe. Any proposal that recognized only intermediaries as part of the solution would be of extremely limited impact.

136. The representative of Knowledge Ecology International (KEI) stated that a broadcasting treaty which dealt with the piracy of signals could be adopted in that Committee but should not create intellectual property rights in content. Support was also expressed for the equitable treatment of performers in an audiovisual treaty. Strong support was expressed for the WBU treaty proposal endorsed by and supported by the Delegations of Brazil, Paraguay, Ecuador and Mexico, as well as the work of the African Group. Exceptions were there when the voluntary solutions failed. The proposal presented by the Delegation of the United States of America, as basis for a future treaty, was in some ways too narrow and borrowed language from the Stakeholders' Platform even though that was a separate process. It also referred to a voluntary negotiation that involved only a limited number of books and referred to a requirement of trust from publishers. Countries like Canada allowed individuals to import freely under exceptions. He highlighted the exclusion of for-profit entities from the American proposal. Google Books would have 30 million books in digital form to be made available in the United States of America to people with disabilities. Saying that the works could not go to another country because Google was a for-profit company would have an important impact. Nothing was mentioned about technical protection measures even though the United States of America had provisions about such measures. Neither the issue of contracts had been discussed nor the issue of affordability of products. It expressed caution for an easy-to-adopt proposal which would not be consistent in the long run.
137. The representative of the International Federation of Musicians (IFM) stated that performances were no longer fixed and broadcast merely in audio form, but more and more in audiovisual form. It supported the 19 articles provisionally adopted by the Diplomatic Conference in December 2000, not only to avoid the risk of becoming held up on the sensitive subject of transfer of rights, but also so as not to endanger the consensus achieved on the other points. Positions had been expressed at the May 2010 informal meeting on the timetable and the substance. Things had changed since the Diplomatic Conference of 2000. However, each new delay in the Committee's work should not mean questioning progress already achieved as discussions would get into a sterile and cost-consuming vicious circle. The general context had changed since

the Diplomatic Conference of December 2000. However, that evolution didn't invalidate the consensus underlying the adoption of the 19 Articles. During the last ten years, the volume of audiovisual works available on digital networks and their accessibility had increased out of all proportion, without meaning more remuneration for performers, who continued in their great majority to depend on uncertain income and jobs. He expected the audiovisual matter to be dealt with sympathetically by Member States and urged everyone to seize the opportunity to achieve within a reasonable time the adoption of a treaty that performers had been waiting for so long.

138. The representative of the National Organization of the Blind of Spain (ONCE) reiterated its support for the adoption of a binding instrument to meet the needs of the visually impaired. A treaty for international distribution of works would be nothing new as, historically, it had already been done with public domain works. It would therefore be extending what already existed at the national level to a broader level under better supervision. He was convinced that the SCCR could work from that moment within clear deadlines.
139. The representative of the International Confederation of Music Publishers (ICMP) called to find adequate and speedy solutions to the issues of the visually impaired. Adequacy and speed must be the key parameters to guide the choice of the best instrument to address the urgent matter in question. He expressed surprise at the WIPO study on exceptions and limitations, in that while there seemed to be overwhelming support by the SCCR to find rapid solutions to that international issue, fewer than half of WIPO Member States had exceptions to deal with the visually impaired in their national law. He supported the conclusion of a treaty for audiovisual performances and was confident that the suspended diplomatic conference could be resumed so that the treaty could be finalized. The agreed 19 articles should not be reopened as reopening what had been agreed in 2000 or adding items other than the outstanding issue would further delay the adoption of a treaty. Also, any additions would create uncertainty to the interpretation of the Internet treaties agreed in 1996.
140. The representative of Beneficent Technology, Inc.(Benetech) supported the need for a binding instrument to ensure that blind and print disabled people around the world had unlimited access to copyrighted books, but not a treaty that establish a thicket of bureaucratic requirements to discourage access.
141. The representative of the International Federation of Actors (FIA) stressed the need for WIPO Member States to urgently finalize a treaty on audiovisual performances which would clearly establish a level playing field for all parties. Unauthorized copying and distribution of performances negatively affected the industry by reducing job opportunities for performers and affected income. There was a need for a balanced and carefully crafted treaty that would grant the strongest possible protection when it came to, especially, on-demand use. He believed that after more than 15 years, a provisional agreement on the 19 articles was acceptable to all and therefore discussion on them should not be reopened.
142. The representative of the European Broadcasting Union (EBU) said that, after 15 years, broadcasters called for a new approach to issues. He recalled the numerous delegations that had continuously supported the broadcasting treaty. He said that previous meetings had recognized the importance of broadcasting to the economy, creative and cultural industries, and the entire society. He drew the attention of the SCCR to the study prepared by Screen Digest, which indicated that online TV piracy at the moment was a mass market phenomenon and urged the Committee to reflect over the consequences. Delegates did not really need a study to understand that broadcast piracy also had direct

negative consequences for content rights owners as well as for broadcasters, as substantial investment went into content production and dissemination. He referred to the need to look at the WIPO General Assembly mandate on the issue of broadcasting organizations. He endorsed the call by the Delegation of Japan for a timetable to finish the work on the protection of broadcasting organization during the next SCCR session.

143. The representative of the National Federation of the Blind (NFB) reiterated the need for all blind, visually impaired individuals, and those with print disabilities to have equal access to printed and published works produced worldwide through a treaty. Because production of accessible texts was a highly specialized, and often an expensive process, duplication of efforts by entities attempting to provide more materials for the blind did not make any sense. Access to works in all specialized formats, including Braille, audio reproduction, electronic text and large print, could be shared across borders without fear of legal sanction. To make that process efficient and to create an environment where a maximum number of accessible works could be produced, it was necessary to harmonize copyright exceptions for the blind and print disabled across the world. To accomplish these objectives, NFB supported the World Blind Union's treaty proposal as the best proposal put on the table. He cautioned the delegates to avoid endless submissions of proposals in future sessions and urged the Committee to adopt a work plan with clear timelines, which would first bring together items that could be agreed upon by all and from there move forward on other items where divergence existed.
144. The representative of the European Federation of Joint Management Societies of Producers for Private Audiovisual Copying (EUROCOPYA) reiterated the need to grant audiovisual performers adequate protection, and called for consideration of the 19 Articles adopted in 2000 as the basis of any future work. The SCCR should envisage a treaty that is most flexible and suitable to all parties. It indicated that piracy had become a worldwide phenomenon as the cultural industries were losing economic ground everywhere. Fighting against piracy should encompass all kinds of exploitation of protected content, as it was difficult to differentiate between free TV, pay-TV, linear or non-linear services. She called on the SCCR to consider those major trends in drafting a treaty which would focus on protecting the signal, regardless of its technology and way of consumption. She also called for a new instrument for persons with print disabilities and suggested that other forms of copyright exceptions should be factored into such instrument.
145. The Representative of the International Federation of Film Producers Associations (FIAPF) expressed the hope that the SCCR would adopt the best international instrument which would guarantee access to a greater range of works to the visually impaired. It suggested that while models for distribution of works were being generated worldwide, such models need not be limited to commercial licensing only but should also support printed works being circulated to visually impaired people in the future. While FIAPF supported moving forward towards protection of broadcasting organizations, such protection should relate to the rights to broadcasting signals only in order to ensure that rights in the content itself remained under the control of content producers and other creative parties.
146. The representative of the *Organização Nacional de Cegos do Brasil* (ONCB) supported the call for a draft treaty that would regulate the relationship between publishers and people with disabilities. It referred to the United Nations Convention on the Rights of Persons with Disabilities that guaranteed the rights to access to cultural works for all persons with disabilities. If the Convention went further than a mere recommendation, a proposal by the SCCR on a mere simplified recommendation would not be

acceptable. He pledged support for the proposal from the World Blind Union to serve as a basis for a binding instrument.

147. The representative of the Computer and Communications Industry Association (CCIA) welcomed the efforts being made to deal with problems of access to printed material by the visually impaired, and endorsed the adoption of a work plan with timelines that would lead to a binding instrument to address the problems. He suggested that further elements of the work plan could include other non-binding outcomes, if it did not mean to delay the progress of work. On the protection of broadcasting organizations, he suggested that the focus of the treaty should be on the protection of signals and not on programs that were already protected.
148. The representative of the Association of Commercial Television in Europe (ACT) said that broadcasters needed exclusive rights. Even though discussions on the protection of broadcasting organizations had been ongoing during the last 15 years, no single broadcasting organization had ever suggested the Brussels Convention model as the right way to proceed. He stated that the proposal for inter-sessional work would be an efficient way to take that responsibility forward.
149. The representative of *Asociación Nacional de Intérpretes* (ANDI) expressed its full and unconditional support for the work on limitations and exceptions and treaties for the protection of broadcasting organizations and for audiovisual performances to combat the rise in piracy. Every day that passed, audiovisual performances were being exploited indiscriminately without proper remuneration. What performers were looking for was a diplomatic conference that would adopt a treaty which protected their rights as an important part of the development and dissemination of culture.
150. The representative of the International Federation of Journalists (IFJ) reiterated his concern over the access to information by all, including people with disabilities. What was needed were changes in the copyright norms that would grant access to creative works without limitations in the digital era.
151. The representative of the Electronic Frontier Foundation (EFF), concerning the proposed broadcasting treaty, reiterated his concern that it was not limited to signal protection as mandated by the General Assembly, and would give broadcasters intellectual property rights over retransmissions after fixation of signals. Granting broadcasters and cablecasters intellectual property rights that apply independent of copyright, together with legally enforced technological protection measures, would allow broadcasters to restrict access to public domain works, and to prohibit the use of material that would be permitted under national copyright law, even where broadcasters have no role in its creation. On exceptions and limitations, the world's production of knowledge had grown exponentially and the innovation in access tools increasingly liberated individuals through technology. Taking up the UN Convention on the Rights of Persons with Disabilities, the Committee had the opportunity to preserve the symbiotic relationship between the incentives for creators and access of the public to copyright works through a binding legal instrument that recognized the social justifications of copyright. EFF supported the treaty for the visually impaired.
152. The representative of the *Fundação Getulio Vargas* (FGV) pledged her support for the proposal put forward by Brazil, Ecuador, Paraguay and Mexico on a treaty for improved access for the blind and visually impaired. It emphasized that a binding instrument was the best way to ensure enforceability of any norm that would be adopted. She, however, cautioned the delegates that any article of a treaty that included a trusted

intermediaries clause would hamper the effective exercise of limitations to copyright for visually-impaired people.

153. The representative of Actors, Interpreting Artists Committee (CSAI) supported the call to focus on the treaty on audiovisual performers. The 19 articles on the provisional agreement reached in 2000 contained the necessary substance for protection of the rights of audiovisual performers.
154. The representative of the International Federation of Library Associations (IFLA) welcomed the proposal put forward by the African Group on limitations and exceptions particularly for libraries and archives, as it would also favor visually impaired persons. It pledged its willingness to work with the SCCR to develop the proposals further. He acknowledged the proposals of the United States of America and the European Union, and the timetable proposal from Brazil, Ecuador, Mexico and Paraguay to adopt a treaty by 2012.
155. The representative of the International Federation of Associations of Film Distributors (FIAD) supported a treaty for the protection of audiovisual performances and a treaty on broadcasting signals as they would curb illicit use of works which threatened the system of exploitation of audiovisual works.
156. The representative of the European Blind Union (EBU) noted that respect for fundamental human rights of persons with disabilities was the issue at stake. It was therefore time to address the unjust and unequal treatment of which persons with disabilities over the world had been victims. Information barriers were not natural, and the four proposals put forward to find solutions to the problem were encouraging. However, he indicated it was important for the SCCR to move from words to deeds and expressed the hope that a treaty would soon be adopted.
157. The representative of the Ibero-Latin-American Federation of Performers (FILAIE) bemoaned the present situation of lack of a treaty for audiovisual performers and said it was a form of injustice. The only protection available for audiovisual performances was the Rome Convention, of which many Member States of WIPO were not signatories. The Rome Convention gave the right to prevent rather than exclusive rights, a situation which urgently had to be fixed. He supported the statement by the Delegation of Mexico on the subject matter.
158. The representative of Vision Australia noted that in spite of the UN Convention on the Rights of Persons with Disabilities, the vast majority of published works were still closed to that community. She acknowledged that it was not the duty of the blind community to determine what safeguards needed to be in place to protect the reasonable interests of copyright holders, but suggested the proposals submitted by the United States of America and the European Union should not prevail as they were voluntary and unreasonably limited the access for the blind and visually impaired, particularly in developing countries.
159. The representative of the International Federation of the Phonographic Industry (IFPI) supported the statement by the International Federation of Musicians that developments over the past years only reinforced the need to maintain provisions of the 19 articles on protection of audiovisual performances agreed in 2000. She cautioned that any attempt to reopen the articles would take at least another 10 more years to conclude a treaty if it was even possible. If success was to be achieved, there should be an agreement to proceed on the basis of the work already done at the diplomatic conference in 2000. She suggested that other issues raised after the 2000 Diplomatic Conference could be considered separately and not in the context of the audiovisual performances treaty.

160. The representative of the Royal National Institute of Blind People (RNIB) indicated that the World Blind Union treaty sponsored by Brazil, Ecuador, Paraguay and Mexico was the best proposal as it covered all the key legislative requirements needed to make access to information for print disabled people successful. He, however, urged the Committee to consider the merits of all the proposals put forward to the SCCR on access for print disabled people, issue by issue, with the aim of arriving at a treaty.
161. The representative of the International Literary and Artistic Association (ALAI) reiterated his Organization's support for appropriate measures that would improve access of visually impaired persons to knowledge and all types of works. He called for a treaty flexible enough to allow exceptions which would take into account those special needs, especially when it came to importation and exportation of appropriate formats. In line with it, ALAI felt that the proposals tabled by the United States of America and the European Union could be extremely useful.
162. The representative of the International Video Federation (IVF) pointed out that in December 2000, WIPO Member States have made serious compromises on a number of difficult issues and have reached provisional agreement on 19 articles. They should not be reopened. He believed that a flexible and permissive approach to consolidation of exclusive rights in that treaty was the best way forward. Such an approach would strike a balance between the need for legal certainty and the freedom desired by many countries to deal with this issue through their own system and legal tradition. On the issue of limitations and exceptions, he agreed with the need for a rapid, pragmatic and effective solution to address the needs of visually impaired persons in promoting access to print materials, ensuring trust and buy-in from affected stakeholders. Most of the objectives pursued by the African Group proposal were in many countries already solved within the existing framework. While all stakeholders, including rightholders, relied on balanced limitations and exceptions, disrupting the current equilibrium based on the three-step test was neither required nor helpful and could disrupt distribution of works, including under preferential schemes. He supported progress towards a broadcasting treaty.
163. The representative of South African National Council for the Blind (SANCB) said that two workshops had taken place in South Africa since the 19th session of the Standing Committee. The conclusions reached at those workshops were the establishment of a broad based coalition of support to amend the South African Copyright Act of 1978 as well as the adoption of a treaty for the visually impaired. The broad based coalition included participants from the visual impaired community, persons with disabilities, civil society, educational and research institutions, libraries, as well as academics and government officials. The legislative process should be finalized by March 2011. He supported a legally binding international instrument and the approach of the African Group in terms of a global harmonization. He hoped for achieving successful conclusion of a treaty by 2012.
164. The representative of the International Group of Scientific, Technical and Medical Publishers (STM) stated that 7,000 institutions in least developed countries have downloaded more than 6.5 million documents in the area of agriculture and the environment in 2008, and the numbers were rising year after year. All of that had been achieved without a treaty which would set rules in stone. He asked the delegations, in their deliberations about the correct legal instruments, to consider Articles 19 and 20 of the Berne Convention.
165. The representative of the Electronic Information for Libraries (eIFL.net) supported the statement made by the International Federation of Library Associations (IFLA). He

pointed out that limitations and exceptions increased the use of library collections, supported needs of library users and enhanced education. These were critical for libraries in developing countries. He supported the African Group proposal on a draft WIPO treaty on limitations and exceptions. He welcomed the recognition of the role of libraries, archives and educational institutions in providing information. It was difficult and costly to negotiate terms of licenses for provisions that were already in national copyright laws, and a needless waste of resources in least-developed countries. The library community also appreciated the urgent need to address the issue of the book famine for visually impaired and print disabled people, 90 percent of whom lived in the developing world.

166. The representative of the International Federation of Reproduction Rights Organizations (IFRRO) supported the proposals presented by the European Union and the United States of America which were clearly limited to addressing the concerns of the print disabled.
167. The representative of the American Council of The Blind (ACB) endorsed the treaty proposal put forward by Brazil, Ecuador, Paraguay and Mexico. He supported the adoption of a binding international instrument. A timeline should be put together to have the opportunity to discuss the positive aspects of each of the four proposals presented.
168. The representative of the Transatlantic Consumer Dialog (TACD) supported the original proposal for a treaty for the visually impaired, presented by Brazil, Ecuador, Paraguay and Mexico. He appreciated the proposals made by the European Union, the United States and the African Group. He stated that both of the proposals presented by the United States and the European Union were basically exactly the proposal of the publishers and the content holders. Those were halfway proposals. The general public interest was to have a fair copyright system. He suggested convening an extra meeting in September to study the four proposals and to prepare a common proposal to be discussed in the next Standing Committee session.
169. The representative of the Nigeria Association of the Blind (NAB) recalled that Nigeria had about 1.1 million blind people, and 3.5 million visually impaired persons. He supported the proposal sponsored by Brazil, Ecuador, Paraguay and Mexico. He suggested setting a timetable to discuss the four proposals together in order to have a document signed by Member States by Spring 2012.
170. The representative of the International Publishers Association (IPA) underlined that publishers shared the goal of Member States and representatives of organizations representing print disabled persons to provide equal access to published literary works. Authors and publishers would be the rightholders most affected by any instrument adopted by WIPO Member States on the issue of print disabled persons. He wondered if the fastest and the most effective way to regulate the issue of cross-border transfer of accessible copies was an international legally binding WIPO treaty. He believed that a consensus on the particular substance might be far closer than the consensus on the form. It was dangerous to set in stone stipulations of a treaty that was at the center of an unprecedented technological and commercial change. A treaty was more difficult to amend later on. He stressed that none of the proposals had been written by rightholders, and none of them met their full approval.
171. The representative of *Corporación Innovarte* said that the right incentives for the development and sustainability of a multicultural and diverse broadcasting industry should be further analyzed. With regard to the protection of persons with print disabilities, he pointed out that there were two problems. One was the lack of exceptions to make

accessible formats and the other was the lack of exceptions to permit cross-border exchange of those accessible formats made under an exception. It was a bad and extremely inefficient solution to have a partial solution addressing import and export only. Moreover, new requirements should be avoided. He supported the proposal sponsored by Brazil, Ecuador, Paraguay and Mexico and appreciated the African Group treaty proposal.

172. The representative of the Asia-Pacific Broadcasting Union (ABU) recalled for more than ten years WIPO had organized several regional meetings, regional roundtable discussions, and information meetings and had recently commissioned a study to provide additional references for government delegations to better understand and appreciate the state of the broadcasting organizations. Broadcasting organizations continued to suffer from illegal usage of their signals, resulting in significant financial losses. The non-stop advancement and invention of higher quality technology in the information society, and the demand by more sophisticated consumers had led to further proliferation of broadcast signal infringing activities. She urged to conclude the process and to set a timeframe for the immediate adoption of a new instrument for broadcasters so as to be able to continue to provide public services through information, education, entertainment and, more importantly, assistance in the preservation and promotion of a country's culture. She underlined that the additional rights the broadcasters asked for would not represent a new layer of intellectual property rights in the signal, but would complement other rights without blocking access to material in public domain.
173. The representative of the Library Copyright Alliance (LCA) believed that a meaningful solution could be found within a reasonable timeframe to facilitate access for blind and reading disabled persons. While she appreciated the draft consensus instrument proposed by the United States of America and the European Union proposals, she found that many of their conditions were too restrictive. She noted that any solution adopted by WIPO should be brought as close as possible to the treaty proposal of Brazil, Ecuador, Paraguay and Mexico. A broader agenda on limitations and exceptions was needed and the proposal of the African Group offered great promise for a comprehensive solution. She stressed the need to ensure that libraries might, as trusted repositories, preserve copyrighted works, including retracted and withdrawn works, and enable uses of orphan works. All nations would benefit from a free use provision that enabled uses in accordance with fair practice. On the issue of protection of broadcasting organizations, the United States library community was opposed to the proposal for a broadcasting treaty. She said that equality of access should override every other consideration in the matter of limitations and exceptions for blind and reading disabled persons.
174. The representative of the World Blind Union (WBU) stated that the Stakeholders' Platform and the instrument to address the persons with visual impairment community were complementary. He thanked Brazil, Ecuador, Paraguay and Mexico for the leadership they had shown in getting that issue on the table. He noted that in the proposals of the United States of America and the European Union, large print was not recognized as an alternate format. For every blind person in the world, there were four people with low vision, so materials in large print were largely needed. The 120 countries that did not have limitations and exceptions for visually impaired persons had the largest number of blind people in the world. Those people needed to be able to share with each other materials in accessible formats. He informed the Committee that the World Blind Union and Knowledge Ecology International (KEI) had produced a comparative document taking issue by issue in each of the four proposals and highlighting in a table form the text from each proposal.

Limitations and Exceptions (continuation)

175. The Delegation of Uruguay recalled that it had co-sponsored, together with Brazil, Chile and Nicaragua, a timetable to make constructive progress on exceptions for educational issues, as well as for persons with disabilities, libraries, archives, among others. A solution should be a legally binding international instrument, and the draft submitted by Brazil, Ecuador, Paraguay and Mexico could serve as a basis for discussions.
176. The Delegation of Algeria echoed the statement of the Delegation of Angola, on behalf of the African Group. After having ratified the UN Convention on the Rights of Persons with Disabilities, Algeria was firmly committed to any solution making it possible for the visually impaired to enjoy access to protected works. A holistic approach taken in the African draft made it possible to take into account the needs of people living in developing countries, especially when it came to education, culture, research, libraries and archives.
177. The Delegation of the Republic of Korea announced its policy plan to assist the international efforts made by the WIPO Stakeholders' Platform for the visually impaired by agreeing that the Korea's Fund in Trust financed the pilot project in part. That was the reflection of the recognition of the high importance of securing and enhancing access to copyrighted works by visually impaired persons. The top priority in considering any measures or instruments should be focused on how WIPO could contribute to enhancing access by visually impaired persons in an effective and timely manner in the digital environment, where technological developments were taking place at a great speed. It urged the Committee not to rule out any options or proposals and to conduct discussions in order to achieve meaningful and timely results for the benefit of the visually impaired persons. Discussions on international measures to address those issues should also consider effective technical solutions to prevent unauthorized reproduction of the subject works.
178. The Delegation of Brazil, on behalf of Ecuador, Paraguay and Mexico, said that the Committee should take the time for drafting and approving a treaty for exceptions and limitations to copyright and related rights for the benefit of the visually impaired and persons with print disabilities. As to the United States of America's proposal, it pointed out various aspects. Firstly, it did not impose a legal obligation on countries to have exceptions or any form of similar provision in their legislation. That was never the intent of the draft consensus instrument. That gap created, however, two problems. One was that if there was no exception in the country of export, then there could be no export. The other was that if there was no exception in the importing country, then there was no legal certainty that the rights holder in the exporting country would not seek to prevent such importation. In other words, the cross-border flow of works in accessible format and free of copyrights would, in the United States proposal, be possible only among countries that had established national legislation allowing for it. A second aspect was that related rights were not covered in the draft consensus instrument. That might entail, for example, that audio books be excluded from the proposed recommendation as they did involve a performance or a phonogram. A third aspect was that the proposal discriminated against different media for accessible formats. Beneficiaries could only have direct access to books in Braille. All the other media were entrusted to intermediaries. A fourth aspect was that if the importing country adopted the principle of the national exhaustion of rights, the rights holder might also prevent the import. A fifth element was that the United States proposal was silent on the need to circumvent, as might be required, technological protection measures. A final aspect was that there was no reference in that proposal to what might be reasonably available for developing countries. As to the European Union proposal, the Delegation pointed out that it did contain a provision in Article 2 that required States to establish exceptions to copyright for the benefit of persons with print

disabilities. Yet, the proposal seemed to weaken exceptions by promoting almost on an unequal footing contractual solutions based on the Stakeholders' Platform. It foresaw the possibility that Member States might ensure that rightholders receive an adequate remuneration for the use of their works covered by the exception. That amounted not to an exception but rather to compulsory licensing schemes that may further erode both the concept of exceptions and the real value of any real exceptions. Another element of concern was the unnecessarily restrictive definition of the trusted intermediary, which may create a good deal of uncertainty in the cross-border flow of material in accessible formats. Finally, like the United States proposal, the draft recommendation proposed by the European Union did not include reference to the question of circumventing, as might be required, technological protection measures, nor did it contemplate concepts such as reasonably affordable prices like that found in the proposal of Brazil, Ecuador and Paraguay for the developing countries. The African proposal was very close to the draft proposed by Brazil and other countries in relation to the issue of the visually impaired. The proponents of the draft treaty did agree with the statement made by the WBU that the best way forward was to examine the four proposals taking into account the proposed timetable. Some analysis, and not only a comparative table of the four proposals, of some key elements such as objectives, definitions, who the beneficiaries were, could be very beneficial for the work in the next SCCR session.

179. The Delegation of El Salvador, on behalf of GRULAC, supported the proposed WIPO treaty by Brazil, Ecuador, Mexico and Paraguay, as well as the timetable submitted by the same sponsors, which aimed at the adoption of a treaty in Spring 2012.
180. The Delegation of Slovenia, on behalf of the Group of Central European and Baltic States, pointed out that recommendations or other non-binding legal instruments would enable the Committee to achieve the desired goal in a timely manner. The European Union proposal was the way forward as it introduced a new system of cross-border cooperation regarding works in accessible formats. One of the added values of that proposal was the good definitions in Article 1, such as person with print disability and trusted intermediary.
181. The Delegation of Paraguay endorsed the statements of the Delegation of El Salvador, on behalf of GRULAC, and of Brazil, on behalf of the proponents of the draft treaty for the blind, visually impaired and other reading disabled persons. It requested the preparation of a comparative document containing all the proposals.
182. The Delegation of Canada reconfirmed its interest in finding expeditious and pragmatic solutions to access for works by the print disabled. It highlighted how some potential reforms to Canada's domestic regime could positively contribute to the work of the Committee. First, the element of flexibility was vitally important. Any solution to the problems of access by print disabled persons to copyrighted works should allow for a variety of means for a variety of materials. Member States should have the choice of using exceptions, compulsory licensing or conditional exceptions. Enabling Member States to implement provisions which reflected local realities by having more than one type of limitations and exceptions, including for different types of accessible material, would not prevent but actually enhance the international exchange of such materials. A mandatory exception in all countries to allow for the import and export of special format materials did not seem necessary. The consensus instrument proposed by the United States and the joint recommendation proposed by the European Union allowed for flexibility in laws. Another important consideration was the concept of trusted intermediaries. Canada would welcome a discussion on the range of circumstances in which those organizations could play a role. Earlier that same month, a copyright modernization bill had been introduced in the Canadian parliament. The Bill implemented

the rights and protections under the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty. It strengthened the tools for rightowners to fight piracy and it helped educators and librarians. The bill also addressed the issue of the import and export of special format materials for the print disabled. With respect to importation, Canadian law, and that principle existed for many years, provided that it was only necessary to look at limitations or exceptions in Canadian law to determine whether material could be imported. The copyright modernization bill clarified that copyright materials could be imported into Canada if they could have been made in Canada under one of the exceptions in the Law. That included the importation of special format material for the disabled including importation by individuals with print disabilities. With respect to exportation, the Bill also had specific measures related to the export of special format materials. It included a number of provisions to ensure that there was an appropriate balance between the interests of the parties involved. First, exportation was limited to special format versions of works by Canadian authors or authors of the country of importation. Second, the Bill allowed for the possibility of a royalty collected for export material, even though there was a complete exception for domestic production of special format materials. Third, export from Canada could only be done by organizations, not by individuals, and the importer recognized by the law could only be an organization and not an individual. And fourth, the Bill allowed for the possibility of requiring contracts between the Canadian exporting organization and the foreign importing organization. A contract of that type could stipulate, for example, that the copies could only be used by persons with print disabilities. In that sense, the provision was aligned with the concept of trusted intermediaries by ensuring that distribution was limited to persons with print disabilities. The Bill allowed the export of special format materials to foreign countries, regardless of what the law is in the foreign country and regardless of whether the foreign country has a limitation or exception for the creation of special format materials. Although the bill did not allow for the export of third country material, any international instrument should establish rules and principles under which third country materials could be exported. Finally, Canada did not see a consensus instrument or a joint recommendation as excluding the possibility of a treaty, but as an important building block.

183. The Delegation of Japan expressed the strong commitment of its Government to amend the Copyright Law in 2009, which had included measures to broaden copyright limitations on information access for disabled persons. It welcomed the four proposals and said it was ready to engage in a constructive discussion toward a common goal. A focused approach would seem to be more productive, and the Committee should work on narrowing down the scope of discussion. Any instrument, whether binding or non-binding, should not go beyond the scope of the three-step test. Finally, any instrument should allow certain flexibility in domestic implementation.
184. The Delegation of Australia was hopeful that the discussions in the SCCR would lead to practical solutions both in the medium term and also in the longer term. Issues related to visually impaired persons should be the first priority for the SCCR, particularly removing any restrictions on the cross-border transfer of copies in accessible formats to visually impaired people. The Delegation had some reservations about both the draft treaty proposals of Brazil, Ecuador, Paraguay and Mexico and the African Group in their current form, particularly with respect to the scope and compliance with international agreements. The EU proposal also merited further consideration. As to the consensus instrument prepared by the United States of America, Australia considered that it appropriately addressed the key issue of the cross-border transfer of accessible formats. Australia supported flexibility in the definition of trusted intermediary. The absence of an obligation for importing countries to have relevant exceptions in place would benefit those developing countries that did not yet have exceptions in their national systems.

185. The Delegation of India said it was heartening and encouraging to see a broad convergence and consensus on the need for an effective and enforceable international framework to facilitate access of copyright protected works to the reading disabled. Two out of the four proposals referred to legally binding agreements and the other two only addressed the cross-border exchange of works under non-binding instruments. India had over 70 million print disabled population, which was more than the population of several small countries. The Government of India had held consultations with various domestic stakeholders on June 16, 2010, in order to elicit their views on limitations and exceptions for works in education, libraries and archives, including the physically challenged. The representatives of visually impaired persons from India had indicated during those discussions that they favored a multilateral binding agreement. They also had expressed certain reservations about provisions that focused on trusted intermediaries as the creation of such entities involved the issue of large scale investments. The Delegation found the proposal presented by the African Group was quite in harmony with the proposal accepted by the GRULAC countries. Some features of the proposals by the United States of America and the European Union complemented the proposals from the African Group and the GRULAC countries. While India considered the proposal presented by Brazil, Ecuador, Mexico and Paraguay as a good base document to initiate discussions, and at the same time drawing harmonious features from other proposals, any other suggestion that might ensure progress on this issue should merit the Committee's consideration.
186. The Delegation of Norway supported the work of the Stakeholders' Platform. It thanked all the proponents of the four proposals. It supported the suggestion of the Delegation of the United States of America that agreeing upon any kind of consensus instrument did not rule out binding rules further along. Norway supported the reasoning behind the proposals regarding cross-border transfer and the strong focus on the role of trusted intermediaries. The latter was a practical tool and facilitator rather than a bureaucratic obstacle for the print disabled and their access to works.
187. The Delegation of Chile supported an international treaty as a necessary tool to help people with reading disabilities. Such instrument should meet certain requirements, *inter alia*, that the substantive content should be broad and not limited, and that it should be a simple and effective instrument which could be fully applied in all countries without any bureaucratic obstacles that could hold up its application. Chile also supported a specific timetable to guide the Committee's work and to give a clearer structure to the negotiation process. With respect to the United States of America's proposal, the Delegation pointed out that the preamble did not fit with what had been described in the Sullivan study which showed that less than half of the Member States had limitations and exceptions for visually impaired persons. The proposal was innovative, however, because it made a central element out of imports and exports and the trusted intermediaries. In that connection, the Delegation sought clarification regarding possible obstacles that might be involved in using trusted intermediaries for the implementation of limitations and exceptions, particularly in developing countries. Also, it asked whether those trusted intermediaries should receive the consensus of the rightholders of the works and/or of the beneficiaries. On the subject of the European Union proposal, article 2 indicated that Member States should provide international exceptions to the rights of reproduction, distribution, and making the work available to the public for the benefit of persons with a print disability. However, the Delegation noted that, according to the last paragraph of article 2, the general rule for the application of the recommendation would be that it would not be applicable if there were sufficient and adequate market solutions for persons with a print disability. The Delegation of Chile considered that that type of drafting would restrict the application of the exception and might lead to confusion if there were no definitions, for example, of what the market was or who determined

whether there were sufficient and adequate market solutions. Also, the Delegation noted that article 2 included the three-step test. Any specific instrument adopted by the Berne Union, the Assembly of the WCT or the WIPO Assemblies, which recommended a particular exception in national law, already complied with the three-step test, and therefore that exception would be applied to the beneficiaries in a double examination. The latter might cause additional and unjustifiable difficulties for people with print disabilities wishing to benefit from the exception. As to the African Group proposal, the Delegation proposed to clarify the exceptions in article 5, namely regarding the creation of an accessible format, the supply and making available of copies. More clarity was needed on the meaning of any intermediary measure. It would be wise not to circumscribe article 5(b) only to visually impaired persons, and article 5(c) could benefit from further explanation on activities on a for-profit basis and for-profit entities.

188. The Delegation of Senegal believed that, more than ever, there was a real need to abide by the principle of a parallelism in two sectors, namely copyright protection and the limitations and exceptions. The nature of the instrument and the question of the scope or extent of limitations and exceptions were the core of the discussions and an agreement on those two issues was essential. As to the proposal of the United States of America, it asked what would be the second step after the first step on the consensus instrument. Also, it asked all the proponents of the other three proposals about the legitimacy of their approach. It seemed that they wished to come to an end simply by satisfying the needs of one social group. The African Group did not wish to end up with a lot of processes when things could be streamlined in a single one. As to the European Union proposal, it noted that trusted intermediary was a concept which many Delegations were not familiar with. It asked what roles trusted intermediaries would play and whether there would be interfaces to safeguard all stakeholders.
189. The Delegation of Colombia supported the statement of the Delegation of El Salvador on behalf of GRULAC and the work on a legally binding instrument on limitations and exceptions facilitating access of visually impaired persons to the benefits of culture, as proposed by Brazil, Ecuador, Mexico and Paraguay. The United States of America's proposal was positive but should also include other provisions of a mandatory nature so that countries developed appropriate legislation on limitations and exceptions.
190. The Delegation of Spain made clear that the European Union proposal was drafted on the basis of experience, bearing in mind that there were different players in civil society. It was necessary to find a solution by tackling two key issues, limitations and exceptions at the national level and a regime governing import and export.
191. The Delegation of Indonesia reiterated its support for the initiative concerning the protection of visually impaired persons and the draft treaty proposed in that regard. It also supported the approach of the African Group's proposal on a draft treaty with a wider scope of protection.
192. The Delegation of New Zealand noted that the different legal mechanisms proposed could enable the Committee to address different issues at different speeds. A pragmatic and flexible approach was the way to achieve real progress. As a first step, the Committee should resolve the issue of cross-border transfer of works as proposed in the United States of America's proposal. Such a consensus instrument could effectively enhance the cross-border transfer of accessible copies by providing a concrete mechanism for Member States to adopt. But the Delegation did not wish to exclude the consideration of any other instrument, such as a treaty, that might be able to address the issues more broadly. The resolution of the cross-border transfer issue could be used as

a building block for a wider solution, which could address the border problem of access to copyrighted works for the visually impaired.

193. The Delegation of Turkey appreciated the understanding of the Delegation of the United States of America that the consensus instrument could be a first step towards a more binding solution, which was a treaty. A treaty would be the most effective solution and, if adopted, it would serve as guidance and would have political effects in the copyright legislative process in WIPO Member States. The implementation of a recommendation which had no legal binding effect was far more vague and complicated at the national level. There could be a two-step process going in the direction of a treaty. The first step would be a quick resolution with a recommendation of the WIPO General Assembly and the second and final step would be the conclusion of a treaty. A text could be included in a recommendation indicating that there was an agreement among Member States to work on a treaty on the subject matter.
194. The Delegation of Iran stated that other proposals on the table related to a recommendation contained useful elements that could be included in the draft treaty proposal. A binding legal framework was of fundamental importance for ensuring accessibility to copyright protected works. It might be useful that the Chair came up with a compilation text for the next session of the Committee that could serve as a base for negotiations. Working on the issues related to the visually impaired could be considered as the beginning step in the norm-setting activities in the broad area of limitations and exceptions, as set out in the African proposal. The Committee could decide to organize open-ended consultations in order to expedite the process.
195. The Delegation of Kenya supported the position of the African Group in making copyrighted works available to the blind and visually impaired persons, as well as extending the limitations and exceptions in order to make information available, especially with regard to developing and least-developed countries. The Delegation also attached special importance to the audiovisual performances issue, given its exponential growth in Africa and being a source of employment, entertainment and information. To that end, Kenya supported a quick resolution of the outstanding issues as a prelude to the convening of a diplomatic conference. On the updating of the broadcasters' rights, the Delegation stated that the Rome Convention already granted certain rights and extending them to the current environment would not be a reinvention of the wheel. Broadcasters could not fight the increasing piracy adequately and effectively if they were not given exclusive rights over their broadcasts. It called for a timeframe within which the Committee should carry out the mandate given by the General Assembly.
196. The Delegation of Nigeria believed that appropriately designed limitations and exceptions would meet the needs of visually impaired persons and other people around the world who lacked access to books and other materials and would also open up rapid advances in information and communication technologies that were fundamental for the development of nations, especially in the African region. The African proposal was wider in scope and captured those needs. It fully supported the previous statement of the Kenyan Delegation.
197. The Delegation of Switzerland was committed to an open and constructive dialog. It supported the intervention of Japan and it believed that narrowing the scope of the discussion was beneficial. The Delegation suggested focusing on the issues where a consensus could have been quickly reached in order to improve the situation of people with print disabilities. It was also important to preserve the three-step test without excluding any further discussion on other exceptions and limitations at an appropriate

time. The submission of new proposals was appreciated, but some more time in order to consider them and to consult with stakeholders was needed.

198. The Delegation of Italy expressed its support for the proposal put forward by the European Union. It was essential to underscore that such a proposal would allow moving rapidly towards resolving the most serious problems faced in the area of the visually impaired. It was noted that, in considering the possibility of a treaty, there was a need for an in-depth discussion and consideration of certain issues and that would take certain amount of time. It pointed out that there were some very difficult issues in the proposals of the African Group and of Brazil, Ecuador, Paraguay and Mexico. For instance, the exceptions foreseen in those proposals were binding, whereas under the Rome and Berne Conventions limitations and exceptions were optional and left for national implementation. A second point related to the circumvention of technological means. Article 11 of the WCT stated that Contracting Parties were obliged to provide for protection against such circumvention. That was certainly the case of the European legislation, which required adopting rules to impede the marketing of any kind of equipment or machinery that might be used to circumvent the technological protection measures. The proposal from Brazil, Ecuador, Paraguay and Mexico regulated the issue of such circumventions in a way which was not compatible with the WCT. The possibility of illicit copies being made without any control or monitoring could be opened and it would be possible for malicious people to take advantage of the exceptions provisions. Another question related to the issue of contracts, a matter that went beyond the purview of international treaties. To nullify contractual provisions that were incompatible with exceptions was something that would run against any kind of customary practice at the national level. It noted that both proposals under consideration included the regulation of making content available through the Internet under a misleading heading, because that was a different issue from import and export. Referring to the African proposal, it found rather difficult to understand how it would be possible that import and export provisions applied, for instance, to private copying. Referring to orphan works, it was noted that the European Union had previously proposed the issue to be discussed within the SCCR. Orphan works were a broad issue which did not relate to exceptions. Those were works in which copyright did exist. In conclusion, it was argued that the issue of databases, not protected by copyright, was something that went beyond the competence of the SCCR and it should not have been discussed there. It was evident that some time to resolve the abovementioned issues was required.
199. The Delegation of the United States of America emphasized that, in the previous six months, the SCCR had moved greatly to reach a consensus to solve the problem under discussion and that problem might deserve new international legal norms. All the proposals put forward demonstrated the goodwill of Member States. It thanked the Delegations for their thoughtful comments and believed that the Italian Delegation did well in raising specific questions on how the proposed mechanisms would work. It acknowledged the positive contributions made by non-governmental organizations, in particular the National Federation of the Blind, the European Blind Union and others who had acknowledged that intermediate steps might be appropriate or necessary on the path to solving the problem. The United States wanted to answer some of the specific points raised by other Delegations regarding its proposal. Chile had said that language in the preamble was inconsistent with the Sullivan report; the United States Delegation agreed that appropriate amendments to the preamble were needed. Also, responding to Chile's request for more information and details on the concept of trusted intermediaries, the Delegation agreed that the concept required a great deal of exploration and clarification and, in fact, in the background paper and frequently asked questions document the issue had been addressed. It was believed that the formation of the international legal norms to address the needs of persons with print disabilities should be done expeditiously and that

could happen maintaining a general concept of trusted intermediary and recognizing that appropriate institutions might match that definition. The Delegation then responded to questions raised by Brazil. First, on why the proposal did not deal with the exceptions in national law, it noted that the Delegation had acknowledged repeatedly that that was part of the necessary program, but an international legal instrument could not delineate the exact content of the national exceptions or limitations for the benefit of persons with print disabilities. Second, on why the proposal for a consensus instrument did not deal with the question of technological protection measures, the Delegation responded that, as stated in the Sullivan report, it did not believe that those represented a demonstrated problem for persons with print disabilities. Third, on whether or not the proposal captured the problem of neighboring rights, the Delegation would welcome a friendly appropriate amendment to the United States proposal to address the issue and to ensure that neighboring rights were not an obstacle to the necessary exceptions and limitations for persons with print disabilities. Finally, in response to the Delegation of Senegal asking what was going to be the second step after the first one, represented by the consensus instrument, the Delegation said that a possible second step could be establishing the content of the national exceptions and limitations for the benefit of persons with print disabilities. However, the Delegation remained open-minded as to what a broader second step would mean and as to what kind of instrument could be developed.

200. The Delegation of Mexico declared that the main purpose of the proposed instrument was to provide the minimum flexibilities necessary in copyright laws to guarantee to visually impaired and other reading disabled persons to have access to copyrighted works with a reasonable quality. That would support their full participation in society on equal conditions with other sighted people, and thus guaranteeing them the opportunity to develop their full creative, artistic and intellectual potential, also for the enrichment of society and culture. Mexico considered it very important to establish a fair balance between the rights of copyright holders and the creation of ways to help persons with disabilities. From that point of view, it suggested that the SCCR start without delay negotiating an international instrument. In achieving that objective, Member States should respect the commitments that they had taken under the UN Convention on the Rights of Persons with Disabilities.
201. The Delegation of Argentina reaffirmed its support for the proposal to start negotiations on a WIPO treaty on better access for visually impaired and other reading disabled persons on the basis of the text contained in document SCCR/18/5. It also supported the timetable for the adoption of a WIPO treaty on an improved access for blind, visually impaired and other reading disabled persons proposed by the delegations of Brazil, Ecuador, Mexico and Paraguay, contained in document SCCR/20/9.
202. The Delegation of Guatemala thanked the Secretariat for drafting the document containing examples of practices and other measures for enhancing access to material for reading disabled persons. The possible solutions addressed were clearly alleviating the problem, but it was obvious that the results were depending on the resources available. In other words, the document highlighted the importance and the need for complementing these types of measures with international solutions that guaranteed legal certainty. It suggested that the Secretariat draw up a comparative document to clearly identify the similarities between the four proposals. It was supportive of an internationally legally binding solution.
203. The Delegation of Haiti believed that it would be very useful if the SCCR could analyze how the four proposals fit together in one unified proposal in accordance with a pre-established timetable. It supported the idea of having an international treaty, and it pointed out that adopting an instrument to guarantee the right to information, culture and

education would allow persons with disabilities to be fully integrated into society. A broad view of the issue was needed, for instance, related rights and issues related to availability of works in certain countries were something that could not be ignored. A global approach would ensure that all persons with disabilities enjoy the right to information, culture and education.

204. The Delegation of Cuba believed that the best basis for discussion was the Brazil, Paraguay, Ecuador and Mexico proposal on a WIPO treaty for improved access for blind, visually impaired, and other reading disabled persons. The proposal which had been tabled before the Committee since November 2008 fit very well into the general framework of limitations and exceptions. The information document, submitted the previous session of the SCCR, contained detailed explanations of the reasons behind the proposed treaty. The adoption of a legally binding instrument providing improved access to cultural goods protected by copyright that were not accessible for various groups would be an unprecedented event in the history of the Organization. WIPO was a specialized agency of the United Nations and should start negotiating on that issue without delay. The Delegation also fully supported the idea of setting a timetable for the adoption of a treaty. The proposed treaty tried precisely to remove obstacles to knowledge, standing in the way of millions of people. It also recalled the compatibility and consistency of the proposed treaty with the principles of the WIPO Development Agenda adopted by the General Assemblies in 2007.
205. The Delegation of the Russian Federation noted that, given the number of proposals and interventions, it was clear that that was an extremely important issue to be resolved at the international level. A lot of work on limitations and exceptions had been undertaken in the previous years. It was evident there was an acute need for persons with disabilities or with limited opportunities to enjoy access to creative content; and the SCCR should take tangible steps towards resolving that problem. The Delegation supported the access for persons with disabilities to works covered by copyright and believed that moving promptly to adopt an international instrument was essential. The idea of adopting a document in the format of a recommendation was supported, because it would not hinder the future adoption of an international legal instrument, but it would represent immediate and significant progress towards the fulfillment of such a historic challenge. It was important to start with something, otherwise the risk would be that the Committee would spend another 15 years discussing those issues without achieving concrete results.
206. The Delegation of Cameroon, with reference to the item on the protection of broadcasting organizations, stated that it was aware of the fact that the Rome Convention was no longer appropriate; therefore, it supported the idea of organizing workshops under the auspices of WIPO to look at the specific issues related to work in the area. It was important to involve local and regional experts who helped draft appropriate instruments to deal with the issue of protection of broadcasting organizations. On the item on the protection of audiovisual performances, it declared that the provisional agreement on 19 articles reached during the Diplomatic Conference of 2000, should remain the basis for further discussions and negotiations. On the issue of limitations and exceptions, the Delegation welcomed the four proposals put forward. It supported the proposal presented by Angola, on behalf of the African Group, as a broad approach that was essential in attempting to protect the rights of visually impaired persons, persons with reading or print disabilities, and those with other disabilities. The needs of national research institutions, libraries and archiving centers were also important. It noted that the World Blind Union draft treaty inspired the African Group proposal, so the original proposal could be enriched by taking into consideration certain other proposals put forward by other Delegations. The SCCR must keep in mind that the aim was to strike an

appropriate balance between the protection for authors and making available protected works to the general public.

207. The Delegation of Venezuela believed that the proposal put forward by Brazil, Ecuador, Paraguay and Mexico, was the best basis to make progress. It recalled that the objective was to have human rights recognized by all States in the international arena. For that reason, a simple and effective instrument was necessary. The proposal of the United States of America was full of adjectives that made difficult any development in the international forum, as multiple interpretations connected to social and cultural approaches could be made. Along the same lines, it considered that including the concept of trusted intermediary could cause some problems, starting with the decision on who could deserve such designation. It agreed with the Delegation of Senegal that the proposal by Brazil, Ecuador, Paraguay and Mexico was part of a process where all vulnerable groups could benefit from limitations and exceptions.
208. The Delegation of Ghana supported the holistic approach of the African proposal, but it appreciated others proposals on the table and believed they formed a viable basis for further discussions on the subject matter. Institutions such as libraries, archive centers, education and research institutions had some opportunity to acquire printed materials under the limitations and exceptions in national laws. It was essential to balance the needs of the users versus the rightholders. The needs of the blind and the visually impaired in developing countries to have access to information was very crucial. There was sufficient material available from studies conducted by the Secretariat, as well as from the various proposals, to enable the SCCR to begin discussions on the substantive issues in the shortest practicable time. In that way, it hoped that a treaty could be concluded to meet the needs of the institutions and the persons with print disabilities.
209. The Delegation of the Dominican Republic supported the proposal by Brazil, Ecuador, Paraguay and Mexico. It also welcomed the adoption of the timetable submitted by the same delegations.
210. The Delegation of Ukraine fully supported the proposal put forward by the Russian Federation on developing a document in the form of a recommendation.
211. The Delegation of Mexico, speaking on behalf of the Delegations of Brazil, Ecuador and Paraguay, thanked the other delegations for their constructive proposals. It was understood that the SCCR had reached an important point at that session. Civil society had stated that they had placed their hopes in the constructive work of the SCCR. Other delegations had noted those feelings and said that they were fully prepared to achieve an instrument. It trusted that those delegations would have respected their firm commitment so that substantive work could start.
212. The Delegation of South Africa supported the statement presented by the Delegation of Angola on behalf of the African group. It reiterated that access to copyright works was crucial in the areas of education, research and archiving, as well as for the use of persons with disabilities. Access to such copyrighted works could lead to the realization of the international development goals such as the Millennium Development Goals and Education for All. Therefore, the international community should work hard to find a balance between rightholders and the public interest. WIPO could and must undertake norm-setting activities in the area of copyright and related rights guided by the WIPO Development Agenda. It believed that all issues relating to limitations and exceptions should be approached in a holistic manner, mindful of the needs and priorities of different countries at different levels of development. It therefore strongly supported a legally binding instrument on exceptions and limitations as advocated by the African Group.

213. The Chair announced that a set of draft conclusions had been distributed to the Committee in three languages, namely English, French and Spanish.
214. The Committee discussed the draft conclusions in detail. Delegations taking the floor during the discussion were (in alphabetical order): Algeria, Angola, Argentina, Australia, Barbados, Brazil, Canada, Chile, Ecuador, Egypt, El Salvador, India, Mexico, New Zealand, Nigeria, South Africa, Spain, Switzerland, United Kingdom, United States of America and Zimbabwe.

SCCR/20 CONCLUSIONS

215. The Committee did not reach agreement on all matters considered for the Conclusions. Consequently, the Chair tabled the “Conclusions by the Chair” which can be found in Annex I.

[Annex I follows]

ANNEXE/ANNEX I

CONCLUSIONS BY THE CHAIR*

Protection of Broadcasting Organizations

1. The Committee noted the first two parts of the Study on “the Socioeconomic Dimension of the Unauthorized Use of Signals” (document SCCR/20/2) addressing current market and technology trends in the broadcasting sector and unauthorized access to broadcasting signals. In this session, some Member States also formulated observations and questions on the second part of the Study and expressed the need to revise the approach on the socio-economic dimension and the problem on the lack of access to information. It noted with satisfaction the forthcoming third part of the study to be presented to the Committee at its 21st session and requested that such new studies take into account these observations and considerations made by some Member States on the second study. It requested the Secretariat to present at its subsequent meeting an analytical document outlining the main conclusions of the three studies.
2. The Committee took note of the informal report presented by the Delegation of Mexico on the regional seminar for Latin American and Caribbean countries which took place on May 31 and June 1, 2010 and requested the report to be made available to the delegations.
- [3. *The Committee reaffirmed its commitment to continue work towards developing an international treaty to update the protection of broadcasting organizations, addressing present and emerging technological issues while taking due account of the protection of the public interest and access to information. It looked forward to the outcome of further regional consultations to take place at request of Member States.*]
- [4. *The Secretariat was invited to organize, in Geneva, informal consultations to address the outstanding technical issues contained in the 2007 mandate of the General Assembly, including the notions of ‘signal-based’, objectives, specific scope and object of protection, as well as any other technical issue not yet sufficiently clarified, in order to suggest an understanding of these concepts to the next session of the SCCR.*]
5. The protection of broadcasting organizations will be maintained on the agenda of the 21st session of the SCCR.

Protection of Audiovisual Performances

6. The Committee reaffirmed its commitment to work on developing the international protection of audiovisual performances;
7. The Committee expressed its appreciation to the Secretariat for the regional meetings on the protection of audiovisual performances that were taking place at request of Member States during 2010;
8. The Committee thanked the Secretariat for organizing Open-ended Consultations on the Protection of Audiovisual Performances in Geneva on May 28, 2010, and

noted the report presented by the delegate from Nigeria who chaired the session. The Committee also noted with approval the calls for a faster pace of work towards concluding a treaty for the protection of audiovisual performances, including a timetable for new proposals, which were expressed by Member States during those Consultations;

9. The Committee considered that the nineteen articles provisionally agreed in 2000 were a good basis for advancing the negotiations on the treaty;
10. The Committee invited Member States to submit written proposals in language as close as possible to draft legal text to address the outstanding issues from the 2000 Diplomatic Conference as well as on any additional or alternative elements for a draft treaty by September 15, 2010;
11. The Secretariat was invited to organize in Geneva informal open-ended consultations to examine the new proposals, with a view to making recommendations to the next session of the Committee. These recommendations should include a timetable for concluding the negotiations.
12. The protection of audiovisual performances will be maintained on the agenda of the 21st session of the SCCR.

Limitations and Exceptions

13. The Committee expressed its appreciation for the documents prepared by the Secretariat concerning Limitations and Exceptions, including:
 - Second Analytical Document on Limitations and Exceptions;
 - Supplementary Information on Studies on Limitations and Exceptions for Educational Activities;
 - Examples of Practices and Other Measures at National Level for the Benefit of Persons with Print Disabilities;
 - Third Interim Report on the Stakeholders Platform;
 - Report on the Questionnaire on Limitations and Exceptions.
14. The Committee welcomed the Third Interim Report of the Stakeholders' Platform, and encouraged the stakeholders to continue the work of the platform. The Secretariat will report on the activities of the Platform during the 21st session of the SCCR.
15. With regard to the Report on the Questionnaire, the Committee requested the Secretariat to update the document to include any additional responses submitted by Member States. Member States were requested to submit replies to the questionnaire no later than July 20, 2010. The questionnaire will be available for completion on the website <http://www.wipo.int/copyright/en/>
16. The Committee thanked the Secretariat for organizing Open-ended Consultations on Copyright Limitations and Exceptions for Persons with Print Disabilities, which

took place in Geneva on May 26 and 27, 2010, and noted with appreciation the report presented by the delegate from Bangladesh who chaired the session.

17. The Committee took note of the following documents:
- Timetable for the Adoption of a WIPO Treaty for an Improved Access for Blind, Visually Impaired and Other Reading-Disabled Persons, submitted by Brazil, Ecuador, Mexico and Paraguay (document SCCR/20/9);
 - Draft Consensus Instrument, submitted by the United States (document SCCR/20/10);
 - Draft WIPO Treaty on Exceptions and Limitations for the Disabled, Educational and Research Institutions, Libraries and Archive Centers, submitted by the African Group (document SCCR/20/11);
 - Draft Joint Recommendation Concerning the Improved Access to Works Protected by Copyright for Persons with a Print Disability, submitted by the European Union (document SCCR/20/12).

All these proposals, including the substantive Proposal by Brazil, Ecuador and Paraguay, relating to Limitations and Exceptions: Treaty Proposed by the World Blind Union (WBU) (document SCCR/18/5), were presented and Member States commented thereon.

18. The Committee agreed to work towards an appropriate international legal instrument or instruments, taking into account the four proposals currently tabled or any additional submissions.

[19. The Committee requested the Secretariat to prepare a comparative table of the four proposals (in documents SCCR/18/5, SCCR/20/10, SCCR/20/11 and SCCR/20/12) in order to facilitate further negotiations on substantive issues, and to organize informal consultations in Geneva to advance the work towards an international consensus regarding copyright limitations and exceptions for persons with print disabilities. The consideration of exceptions and limitations for persons with other disabilities, educational and research institutions, and libraries and archives, will be pursued following a global and inclusive approach.]

[20. All aspects concerning limitations and exceptions will be maintained on the Agenda of the 21st session of the SCCR.]

Next Session of the SCCR

21. The 21st session of the SCCR will take place from November 8 to 12, 2010.

* Note by the Chair:

The above conclusions were agreed on by the Committee, except paragraphs 3, 4, 19 and 20 (in brackets and italics). The Delegation of Brazil, supported by the GRULAC Coordinator, stated that if there was no agreement on several paragraphs, there was no agreement on the whole set of draft conclusions.

Below are the alternative draft texts proposed by various delegations regarding the above non-agreed paragraphs:

PARAGRAPHS 3 and 4: Draft text proposed by GRULAC

"3 and 4. *"The Committee reaffirmed its willingness to continue its work on the protection of broadcasting organizations according to the mandate from the 2007 General Assembly. It looks forward to the outcome of further regional seminars to take place at the request of Member States in order to discuss further steps."*

PARAGRAPH 19: Draft text proposed by the Delegation of the United States of America

19. *"The Committee recognizes that the consideration of exceptions and limitations for persons with print disabilities, persons with other disabilities, educational and research institutions, and libraries and archives, should be pursued in a global, inclusive and holistic approach. Recognizing the maturity of the first of these issues, the Committee requested the Secretariat to prepare, by September 15, 2010, a literal comparative table of the four proposals (in documents SCCR/18/5, SCCR/20/10, SCCR/20/11 and SCCR/20/12) and any additional submissions in order to facilitate further negotiations on substantive issues, particularly cross-border transfer of works and national limitations and exceptions for the benefit of persons with print disabilities, and to organize open-ended informal consultations in Geneva to advance the work towards an international consensus regarding copyright limitations and exceptions for persons with print disabilities."*

PARAGRAPH 19: Draft text proposed by the African Group

"19. *The Committee agreed to follow a global and inclusive approach, and underlined the equal importance and different level of maturity of the issues, while recognizing the need for concurrently addressing all the issues, with a view to achieving progress on all of them. The Committee requests the Secretariat to prepare, by September 15th, 2010, a literal non-analytical table of the four proposals in documents SCCR/18/5, SCCR/20/10, SCCR/20/11, and SCCR/20/12, and any additional submissions in order to facilitate further negotiations on substantive issues, particularly cross board transfer of works and national limitations and exceptions for all issues on exceptions and limitations, and to organize open-ended informal consultations in Geneva to advance the work."*

PARAGRAPH 19: Draft text proposed by the Delegation of India

"19. *All aspects concerning limitations and exceptions, such as exceptions and limitations of persons with print disabilities, persons with other disabilities, education and research institutions and libraries and archives will be maintained on the agenda of the SCCR, with the aim of establishing a work program concerning those limitations and exceptions, following a global inclusive and holistic approach, and taking into account their respective importance and different levels of maturity while recognizing the need for concurrently addressing all the issues with a view to achieving progress on all of them. Recognizing the maturity of the first of these issues, the Committee requested the Secretariat to prepare, by September 15th, 2010, a non-analytical table of the four proposals in documents SCCR/18/5, SCCR/20/10, SCCR/20/11, and SCCR/20/12 and any additional*

submissions in order to facilitate further negotiations on substantive issues for the benefit of persons with print disabilities and persons with other disabilities, and to organize open-ended informal consultations in Geneva to advance the work towards an international legal instrument regarding copyright limitations and exceptions for persons with print disabilities and other disabilities."

PARAGRAPH 19: Draft text proposed by the Secretariat

- "19. "The Committee agreed to follow a global and inclusive approach and underlined the relative importance and different level of maturity of the issues, with special reference to the needs of persons with print disabilities, while recognizing the need for concurrently addressing all the issues, with a view to achieving progress on all of them. The Committee requests the Secretariat to prepare, by September 15th, 2010, a literal non-analytical table of the four proposals (in documents SCCR/18/5, SCCR/20/10, SCCR/20/11 and SCCR/20/12) and any additional submissions in order to facilitate further negotiations on substantive issues, particularly cross-border transfer of works and national limitations and exceptions for all issues on exceptions and limitations, and to organize open-ended informal consultations in Geneva to advance the work towards an international consensus regarding copyright limitations and exceptions."

PARAGRAPH 20: Draft text proposed by GRULAC

- "20. *The Committee recommends that the 2010 General Assembly mandate Member States to negotiate an international legal instrument for improved access for blind, visually impaired, and other reading disabled persons."*

[Annex II follows]

ANNEXE/ANNEX II**LISTE DES PARTICIPANTS/LIST OF PARTICIPANTS****I. ÉTATS/STATES**

(dans l'ordre alphabétique des noms français des États/
in the alphabetical order of the names in French of the States)

AFGHANISTAN

Zardasht SHAMS, Advisor and Acting Director, Planning and External Affairs, Ministry of Information and Culture, Kabul

Akhshid JAVID, Third Secretary, Permanent Mission, Geneva

AFRIQUE DU SUD/SOUTH AFRICA

Jerry Matthews MATJILA, Ambassador and Permanent Representative, Permanent Mission Geneva

Luvuyo NDIMENI, Minister Plenipotenciary and Deputy Permanent Representative, Permanent Mission, Geneva

Johan VAN WYK, Counsellor, Economic Development, Permanent Mission, Geneva

Susana CHUNG (Ms.), First Secretary, Economic Development, Permanent Mission, Geneva

Tshihumbudzo RAVHANDALALA (Ms.), Second Secretary, Economic Development, Permanent Mission, Geneva

ALGÉRIE/ALGERIA

Nadia MOKBANI (Mlle), directrice des affaires juridiques, Ministère de la culture, Alger

Hayet MEHADJI, First Secretary, Permanent Mission, Geneva

ALLEMAGNE/GERMANY

Irene PAKUSCHER (Ms.), Head of Division, Copyright and Publishing Law, Federal Ministry of Justice, Berlin

ANGOLA

Makiesse KINKELA AUGUSTO, troisième secrétaire, Mission permanente, Genève

ARABIE SAOUDITE/SAUDI ARABIA

Assulmi SAIDAN KHT, Official, Ministry of Culture and Information, Jeddah

ARGENTINE/ARGENTINA

Graciela Honoria PEIRETTI (Sra.), Directora de Coordinación, Dirección Nacional del Derecho de Autor, Buenos Aires

Inés Gabriela FASTAME (Mme), Primer Secretario, Misión Permanente, Ginebra

AUSTRALIE/AUSTRALIA

Peter Richard TREYDE, Principal Legal Officer, Attorney-General's Department, Canberra

AUTRICHE/AUSTRIA

Günther AUER, Advisor, Justice Department, Federal Ministry of Justice, Vienna

BANGLADESH

Muhammad ENAYET MOWLA, Counsellor, Permanent Mission, Geneva

BARBADOS

Corlita BABB-SCHAEFER (Ms.), Counsellor, Permanent Mission, Geneva

BÉLARUS/BELARUS

Valiantsin RACHKOUSKI, Assistant Director General, National Center of Intellectual Property (NCIP), State Committee on Science and Technologies, Minsk

BELGIQUE/BELGIUM

Gunther AELBRECHT, attaché, Service affaires juridiques et internationales, Office de la propriété intellectuelle, Bruxelles

Mélanie GUERREIRO (Mme), Office de la propriété intellectuelle, Bruxelles

Jean DE LANNOY, deuxième secrétaire, Mission permanente, Genève

BOSNIE-HERZÉGOVINE/BOSNIA AND HERZEGOVINA

Ines SUŽNJEVIĆ (Ms.), First Secretary, Permanent Mission, Geneva

BRÉSIL/BRAZIL

Marcos ALVES DE SOUZA, Director, Intellectual Rights, Ministry of Culture, Brasilia

José Estanislau DO AMARAL SOUZA NETO, Counsellor, Permanent Mission to the World Trade Organization (WTO) and other economic organizations, Geneva

Letícia Frazão A. M. LEME, Secretary, Permanent Mission to the World Trade Organization (WTO) and other economic organizations, Geneva

BULGARIE/BULGARIA

Georgi Alexandrov DAMYANOV, Director, Copyright Department, Ministry of Culture, Sofia

BURUNDI

Alain Aime NYAMITWE, First Counsellor, Permanent Mission, Geneva

CAMEROUN/CAMEROON

Irène Melanie GWENANG NEÉ NGO NONYOU (Mme), cadre juriste, Service juridique, Ministère de la culture, Yaoundé

Jean Marie NJOCK, chargé d'études, cellule juridique, Ministère de la culture, Yaoundé

CANADA

John GERO, Ambassador and Permanent Representative to the World Trade Organization (WTO), Geneva

Bruce COUCHMAN, Senior Advisor, Copyright and International Intellectual Property Policy Directorate, Department of Industry, Ottawa

Darren SMITH, Second Secretary, Permanent Mission of Canada, Geneva

CHILI/CHILE

Marcela Verónica PAIVA VELIZ (Ms.), Asesora Legal, Dirección General de Relaciones Económicas Internacionales, Ministerio de Relaciones Exteriores, Santiago

Andrés GUGGIANA, Asesor Legal, Misión Permanente ante la Organización Mundial del Comercio, Ginebra

CHINE/CHINA

XU Chao, Senior Consultant (DG level), Copyright Department, National Copyright Administration of China (NCAC), Beijing

YANG Ying (Ms.), Deputy Director, Legal Division, Policy and Legal Department, National Copyright Administration of China (NCAC), Beijing

LIU Li, Division Director, IPR Division, Legal Affairs Department, State Administration of Film Radio and Television of China, Beijing

COLOMBIA

Clara Inés Vargas Silva, Ambassador, Permanent Mission of Colombia to the United Nations Office and Specialized Institutions, Geneva

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CÔTE D'IVOIRE

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ÉGYPTE/EGYPT

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URUGUAY

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VENEZUELA

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ZAMBIE/ZAMBIA

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ZIMBABWE

Sarikai KASHITIKU, First Secretary, Permanent Mission, Geneva

II. AUTRES MEMBRES/NON-STATE MEMBERS

UNION EUROPÉENNE (UE)*-/EUROPEAN UNION (EU)*-

Barbara NORCROSS-AMILHAT (Ms.), Legal and Policy Affairs Officer, Unit for Copyright, Directorate-General for Internal Market and Services, European Commission, Brussels

Luis FERRAO, Administrateur principal, directeur général société de l'information et médias, Luxembourg

**III. ORGANISATIONS INTERGOUVERNEMENTALES/
INTERGOVERNMENTAL ORGANIZATIONS**

ORGANISATION INTERNATIONALE DU TRAVAIL (OIT)/ INTERNATIONAL LABOUR ORGANIZATION (ILO)

John David MYERS, Industry Specialist, Media, Culture, Graphical; Postal and Telecommunications Services, Temporary Agency Work, Sectoral Activities Department, Geneva

Shuai LIU, Sectoral Activities Department, Geneva

ORGANISATION MONDIALE DU COMMERCE (OMC)/WORLD TRADE ORGANIZATION (WTO)

Dina ANASTAS (Ms.), Legal Researcher, Intellectual Property Division, Geneva

ORGANISATION DES NATIONS UNIES POUR L'ÉDUCATION, LA SCIENCE ET LA CULTURE (UNESCO)/UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION (UNESCO)

Petya TOTCHAROVA (Ms.), Legal Officer, Culture Sector, Paris

COUNCIL OF THE EUROPEAN UNION

Georgios KRITIKOS, First Secretary, General Secretariat, Council of the European Union, Geneva

L'UNION AFRICAINE/AFRICAN UNION

* Sur une décision du Comité permanent, la Communauté européenne a obtenu le statut de membre sans droit de vote.

* Based on a decision of the Standing Committee, the European Community was accorded member status without a right to vote.

Georges-Remi NAMEKONG, Senior Economist, Geneva

UNION DES RADIODIFFUSIONS DES ÉTATS ARABES (ASBU)/ARAB STATES
BROADCASTING UNION (ASBU)

Lyes BELARIBI, Counsellor, Télévision Algérienne, Algiers

SOUTH CENTRE

Nirmalya SYAM, Programme Officer, Innovation and Access to Knowledge Programme (IAKP),
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NON-GOVERNMENTAL ORGANIZATIONS**

African Union of Broadcasters (AUB)
Hezekiel OIRA, Legal Advisor, Nairobi

African Union of the Blind (AFUB)
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Agence pour la protection des programmes (APP)
Bernard JAQUET, APP Suisse

American Council of the Blind (ACB)
Eric BRIDGES, Director, Governmental Affairs, Arlington, Virginia

American Intellectual Property Law Association (AIPLA)
Albert TRAMPOSCH, Deputy Executive Director, International and Regulatory, Arlington, Virginia

Association allemande pour la propriété industrielle et le droit d'auteur (GRUR)/German
Association for the Protection of Industrial Property and Copyright Law (GRUR)
Norbert FLECHSIG, Lawyer, Member, Special Committee for Copyright and Publishing Law,
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Asociación Nacional de Intérpretes (ANDI)
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Association des télévisions commerciales européennes (ACT)/Association of Commercial
Television in Europe (ACT)
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Association européenne des étudiants en droit (ELSA international)/European Law Students' Association (ELSA International)

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Theodoros CHIOU, Greece
Adam DAMPE, Germany
Jan Alexander SCHRICK, Germany
Judith LAURINI (Ms.)

Association littéraire et artistique internationale (ALAI)/International Literary and Artistic Association (ALAI)

Victor NABHAN, President, Ferney Voltaire, France
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Association IQSensato (IQSensato)

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Centre d'administration des droits des artistes interprètes ou exécutants (CPR) du GEIDANKYO/Centre for Performers' Rights Administration (CPRA) of GEIDANKYO

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Third World Network (TWN)

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Union internationale des éditeurs (UIE)/International Publishers Association (IPA)

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Union mondiale des aveugles (WBU)/World Blind Union (WBU)

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**VI. BUREAU INTERNATIONAL DE L'ORGANISATION MONDIALE DE LA
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[Fin de l'annexe II et du document/
End of Annex II and of document]